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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Periodic reports of States parties due in 1997

Addendum

NICARAGUA

[12 November 1997]

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* Available for consultation in the archives of the Secretariat.

PRESENTATION

1. This report on compliance with the Convention on the Rights of the Child is part of the commitment undertaken by Nicaragua as a State party to present a report on the application of the Convention to the Committee on the Rights of the Child every five years through the Secretary General of the United Nations.

2. In accordance with the general guidelines regarding the form and content of the reports to be submitted by States Parties under Article 44, paragraph 1 (a) of the Convention (CRC/C/5), the National Commission for the Promotion and Defence of the Rights of the Child has prepared this document with the technical and financial support of the UNICEF Office in Nicaragua and with the delegates of the ministries and institutions which make up the Interinstitutional Technical Committee coordinated by the National Commission for the Promotion and Defence of the Rights of the Child convened to participate in the preparation of the report.

3. The information supplied is divided into eight sections which are in line with the subject structure of the general guidelines:

(a) General measures of implementation;

(b) Definition of the child;

(c) General principles;

(d) Civil rights and freedoms;

(e) Family environment and alternative care;

(f) Basic health and welfare;

(g) Leisure and cultural activities; and

(h) Education, special measures of protection.

4. The document has been organized into two parts and twelve chapters. In the first part historical reference is made to Nicaragua and the Convention on the Rights of the Child, contextual elements of the country's situation and children are covered, a summary of the process of preparing the report is given, and an ample report on the general measures of implementation of the Convention is presented with specific replies to the questions in the guidelines prepared by the Committee. In the second part replies are given for each of the aspects evoked in the guidelines in regard to the articles of the Convention on the definition of the child, general principles, family environment and alternative care, health and welfare, education and leisure, and special measures of protection.

5. In the annex* to the report the principal laws and documents consulted for the preparation of the report and relating to the application of the

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* Available for consultation in the archives of the Secretariat.

Convention in the country are presented. The agreements on cooperation and complementary information on each institution considered important for Committee are also submitted.

6. Considering the importance of the measures of a juridical order and the recommendations of the Committee to the initial report (CRC/C/3/Add.25) submitted by Nicaragua, it was considered right to give priority to these aspects, without detriment to other areas of information.

7. There are limitations in this attempted compilation on account of the complexity of the tasks and the internal limitations of the country which do not yet allow us to have a system of information and monitoring of compliance with the Convention. Notwithstanding this circumstance, this report is an attempt to fulfill Nicaragua's commitment as a State party to submit the relevant information requested by the Committee on the Rights of the Child.

8. The data presented have been compiled at a difficult time since the country is going through a transitional stage characterized by the change of government and the redefinition of policies and plans. It should be noted that the new government was elected on 20 October 1996.

I. NICARAGUA AND THE CONVENTION ON THE RIGHTS OF THE CHILD

9. Seven years have passed since the ratification of Nicaragua as a State party to the Convention on the Rights of the Child. That was undoubtedly the most important juridical development of an international character in regard to the rights of the child and in the sphere of human rights and the rights of the family. It can be said that when Nicaragua acceded to the Convention on the Rights of the Child a new period began, with a different view of children, the family, the State and civil society which in turn required essential and immediate juridical changes in the various fields of domestic law.

10. The Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989, was signed and ratified by the Government of Nicaragua in April 1990 and attained constitutional status in 1995 through a new partial law amending the original content of article 71 and in which the National Assembly of the Republic of Nicaragua raises it to constitutional status. This juridical recognition was the result of various efforts promoted by civil society in close coordination with other institutions of the State working with children and adolescents.

11. The essential content of the Convention is based on the recognition and definition of the child as "every human being below the age of eighteen years" and it is binding upon States that have ratified the Convention to respect the rights set out therein and commit themselves to take appropriate measures to ensure that the child is protected against all forms of discrimination and that the "best interests" of the child are taken into consideration in the various policies and actions of the State and society.

12. On this basis, the State of Nicaragua, having signed and ratified the Convention, has initiated a process of actions in the international sphere and within the country to ensure effective compliance. The main advances and

limitations in the period between 1990 and 1997 are described in this report so as to recognize what has been done before Nicaraguan society and before the Committee, on the basis of the international obligations assumed.

13. In September 1990, Nicaragua signed the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for the decade 1990-2000 at the World Summit for Children in New York, which has become the leading world activity to implement the Convention on the Rights of the Child. On the basis of this Declaration, Nicaragua formulated its National Plan of Action for Human Development, Children and Youth 1992-2000 and submitted it to the international community in 1992.

14. In 1996, starting from existing social policies and the need to have a planning instrument that would indicate objectives, targets and actions for children and youth, a Permanent Technical Committee was formed, coordinated by the National Commission for the Promotion and Defence of the Rights of the Child and composed of delegates from the non-governmental institutions and agencies working with programmes relating to the family, children and adolescents; a process of participation was also initiated around a new endeavour - the National Plan of Action for Children and Adolescents, 1997-2001.

15. The Plan confers importance on three documents that serve as guidance in its preparation: (a) the Convention on the Rights of the Child; (b) the World Declaration on the Survival, Protection and Development of Children; and (c) the Convention on the Elimination of All Forms of Discrimination against Women.

16. Nicaragua also took part in 1991 in Tegucigalpa, Honduras, in the Eleventh Central American Presidential Summit Meeting at which the national plans of action were presented. In 1992 it took part in the First Meeting to follow up the agreements signed at the World Summit for Children. In 1994 it was present at the Second American Meeting on Children and Social Policy - Agenda 2000: Children Now, and proposed targets for children for 1995.

17. In 1994, the Government of Nicaragua submitted its initial report (CRC/C/3/Add.25) to the Committee on the Rights of the Child which is based in Geneva and to which, in accordance with article 44 of the Convention, a State party is required to submit reports every five years giving details of the advances and difficulties of the country in meeting the obligations deriving from the Convention. Thus Nicaragua is due to submit its second report on 6 November 1997.

18. In the period 1994-1996 there was a strengthening of instances, institutions and programmes of the greatest importance for the fulfilment of the commitments entered into under the Convention. Among the most important instances, institutions and initiatives we may mention:

- the Permanent Commission for Women, Children, Juveniles and the Family of the National Assembly (1992);

- the National Commission for the Promotion and Defence of the Rights of the Child (1994);

- the Commissariat for Women and Children (1993-1997);

- the Initiative of Mayors Friends and Defenders of Children in 1994 which later became a National Programme coordinated by the Nicaraguan Institute of Municipal Development (1994-1995);

- the Nicaraguan Fund for Childhood and the Family (FONIF) (1995).

19. The first instance created since Nicaragua ratified the Convention was the National Commission for the Protection of Nicaraguan Children in 1990 constituted to follow up the Convention on the Rights of the Child. In 1994 this instance was restructured and the National Commission for the Promotion and Defence of the Rights of the Child was formed, to include representatives of civil society. The existence of an instance to coordinate protection of the rights of children in the country is an important advance in the framework of the Convention. The Commission is chaired by the President of the Republic and its legal basis is decree 11-94 of 23 March 1994.

20. In this same period the Commission defined as priority tasks:

(a) The elaboration of a policy document to be incorporated into the government's social policies;

(b) The elaboration of a preliminary draft for a Code on Children and Adolescents;

(c) The elaboration of the Family Code;

(d) The elaboration of the National Plan of Action for Children and Adolescents for the five-year period 1997-2001.

21. In 1995 and 1996, Nicaragua participated in the Sixteenth Meeting of Central American Presidents, at which national plans of action for children were reviewed and updated, and the Third Ministerial Conference on Children and Social Policy, at which targets were revised and the document known as the "Agreements of Santiago de Chile" was adopted.

22. In 1997, the Government of the Republic gave continuity to the main actions of the State for children through the Plan of the National Commission for the Promotion and Defence of the Rights of the Child and other complementary actions through the Social Cabinet.

23. The Government of the Republic in 1997 presented its proposed targets in the document entitled "National Plan of Action for Children and Adolescents 1997-2001", making adjustments to the first Plan drawn up in 1992, and recognized that:

> "Work with children and the results that can be achieved from it is a priority task for Nicaraguan society and compels all citizens to advance with sure steps towards substantive improvement of the living conditions of children".

It also recognizes that:

> "the formulation of a National Plan of Action for Children and Adolescents, the elaboration of the Code on Children and Adolescents and

> the policy of integrated care are guidelines for civil society and the State to adopt a joint approach to the situation of the rights set out in the Convention on the Rights of the Child".

The need is recognized to follow through the implementation of the Plan, to approve the Code on Children and Adolescents and to make progress with the juridical changes needed to translate the Convention into reality.

24. On 27 August 1997, in the plenary of the National Assembly, Dr Marta Maurás, Director of UNICEF for Latin America and the Caribbean, expounded the agency's views on the importance of a Code on Children to ensure compliance with the rights of children and urged deputies to analyse and approve the provisions so as to advance in a new juridical and social vision. Dr Maurás indicated:

> "... It is a challenge for Latin Americans and especially for Nicaraguans, even within the economic and social crisis they are experiencing, to have a different concept and response to children and adolescents as a contribution to the consolidation of a real state of law..."

25. In August 1997, the National Commission for the Progressive Eradication of Child Labour and the Protection of Juvenile Workers was created in the Ministry of Labour. This represents an advance in relation to the recommendations of the Committee on the Rights of the Child. This National Commission is composed of: the First Lady of the Republic, as Honorary President, the Minister of Labour, to be the Executive President, the Minister of Education, the Minister of Health, the Director of the Nicaraguan Fund for Childhood and the Family (FONIF), the Director of the National Commission for the Promotion and Defence of the Rights of the Child, two representatives of employers, two representatives of workers, and two representatives of the Coordinating Body for Non-governmental Organizations Assisting Children. It will have the permanent participation as advisers of a representative of the International Labour Organization (ILO) and a representative of the United Nations Children's Fund (UNICEF).

26. The most important functions of the Commission include the following: (a) the elaboration of a diagnosis of the reality of child labour in Nicaragua, and (b) the elaboration of a National Plan of Action on the basis of that diagnosis to meet the national policy for the progressive eradication of child labour and the protection of juvenile workers.

27. In September 1997 the examination was begun in the National Assembly of the Republic of the Code on Children and Adolescents, which had been submitted for adoption to the previous National Assembly, and on 24 September 1997 UNICEF published a second edition of the draft Code on Children and Adolescents. Prior to that, the National Commission for the Promotion and Defence of the Rights of the Child had produced a new edition of this draft for dissemination to the State and society.

II. GENERAL SOCIAL CONTEXT

28. Nicaraguan society is expressing the results of a structural crisis exacerbated by the application of a plan of economic adjustment measures, the post-war situation and the effects of recent natural disasters which have had an impact on the living conditions of the population in the last few decades. This impact has been greater for the situation of children, adolescents and women, who make up more than 50 per cent of the population.

29. According to data from the UNDP Human Development Report 1994, the ten countries with the most poor in the world have 854 million people living in poverty (65.9 per cent of the world's poor). World distribution of wealth shows that in 1960, the poorest 20 per cent of humanity shared 2.3 per cent of the world's income. In 1980, this group's share of world income had gone down to 1.7 per cent, and in 1990 to 1.4 per cent. Over the same period, the richest 20 per cent shared 70.2 per cent of world income, in 1980 76.3 per cent, and in 1990 this richest 20 per cent received 61 times more income than the poorest 20 per cent.

30. According to the Twenty-fourth FAO Regional Conference for Latin America and the Caribbean (July 1996), in this region there are 59 million people suffering from chronic malnutrition and 64 million exposed to the concomitant risks. 13 per cent of the population suffers from hunger.

31. World income distribution is presented with countries divided into five categories:

World population	World income
20 per cent richest	82.7 per cent
Second 20 per cent	11.7 per cent
Third 20 per cent	2.3 per cent
Fourth 20 per cent	1.9 per cent
20 per cent poorest	1.4 per cent

32. In the case of Nicaragua, the poorest 10 per cent of the population receives barely 1.4 per cent of the income generated in the country and the richest 10 per cent receives 40 per cent of this income.1/ Nicaragua is the second poorest country and one of the most indebted of Latin America. The country's per capita income has been declining in the last few decades: per capita income in 1995 was scarcely equivalent to 66 per cent of the income observed in 1980. In 1990 it fell to 555.4 cordobas, in 1993 to 491.1 and in 1994 to 417.5.2/

1/ Data taken from the "Study on Poverty in Nicaragua", Ministry of Social Action/UNDP/UNICEF, Managua, June 1995.

2/ Data taken from "Comparative Analysis of Economic Indicators between Nicaragua and the rest of the world". Franco Mazic. Velásquez, J.L. and Sevilla R.

33. The deterioration in the country's health, education and nutrition situation is marked and is directly related to the unequal distribution of resources, lack of access to basic services, especially drinking water and sanitation, and the economic crisis. Annual per capita expenditure on health in 1980 was US$ 35.00; in 1995, it was US$ 14.00.3/ These conditions of inequality and the growing trend towards poverty among children, young people and women are the principal characteristic of the country's present context, according to the most recent studies and censuses.

34. According to the last national census, Nicaragua had a population of 4 139 486 in 1995, with a growth rate of 2.9 per cent and a trend for the population to double every 24 years. The structure of the population shows a majority of young people: 45.1 per cent of the population is aged between 0-14 years, 54.9% is 15 years and over and 49.4 per cent of the population is male.

35. Life expectancy at birth has risen: in 1950-1955 male life expectancy was 40.9 years and female life expectancy 43.7 years; for the period 1995-2000 it is estimated that men will live on average to the age of 67.0 years and women to 70.11 years.4/ The birth rate was 38.7 per thousand for the period 1990-1995. The decline is due to the reduction in infant mortality.5/

36. The greatest concentration of population is in the Pacific region of the country where 58.19 per cent of the country's population live.6/ Its ethnic composition is as follows: 96 per cent are of mixed race, descendants of colonizers, Spaniards and indigenous peoples. They are found mainly in the Pacific and Centre regions of the country and to a lesser extent on the Atlantic coast. Three per cent are Misquitos Sumos and Ramas, and 1 per cent of Afroamericans (Creoles and Garifonos) are to be found in the Atlantic region of the country. They retain their own cultures, language and traditions.7/

37. Overall population growth is 2.9 per cent annually, and the rate of growth among the population under 5 years is 2.3 per cent. According to the forecast of the National Population Commission for the year 2020, the country will attain a population of 7.1 million people. It is important to mention that migration

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3/ Data taken from the World Food Programme (WFP), "Nicaragua, Country Strategy for WFP Assistance 1998-2002", December 1996.

4/ Data taken from the Document of the Programme for the Promotion of Educational Reform in Latin America, mimeograph, Managua, Nicaragua, pp. 1 and 2.

5/ Taken from "Nicaragua: Principal Demographic Indicators 1980-1995 INEC-CELADE".

6/ Taken from "Nicaragua: Principal Demographic Indicators 1980-1995 INEC-CELADE".

7/ Ministry of the Presidency/General Directorate on the Standard of Living/United Nations Population Fund, "Nicaragua: Socio-demographic Indicators (1980-1989)", mimeograph, Managua, Nicaragua, 1990.

from the country to the cities has been an increasing phenomenon in recent years that is expressed in a gradual reduction in the rural population.8/

38. The Survey to Measure the Standard of Living showed that the poorest are in the age groups 0 to 19 years and the worst levels of poverty are to be found in the age groups 0 to 19 years. 4.2 of every 10 households in Nicaragua live in conditions of overcrowding. There is great shortage of housing and demand is rising annually by 22.000 units due to the increase in new families. Population growth is 3.2 per cent annually.

Employed population by income group (1994)

Income group (cordobas at current value)	Distribution of employed (percentage)	Distribution of income (percentage)
150 to 300	18.81	4.00
301 to 500	22.93	3.68
501 to 700	16.04	9.11
701 to 1,000	15.97	12.85
1,001 to 2,000	17.17	24.37
2,001 to 3,000	3.92	9.27
3,001 to 10,000	5.56	31.72
TOTAL	100.00	100.00

Source : Based on data obtained in the document: Ministry of Labour/General Directorate of Employment and Wages, "The Urban Employment Situation in Nicaragua. Global Summary of Eight Cities", mimeograph, Managua, Nicaragua, June 1994, p. 22.

39. Only 47 per cent of the economically active population participate in the labour market. A high level of overall underutilization of the workforce has existed since 1988 when the first stabilization and adjustment plan was initiated, amounting to 67 per cent in 1993, representing 22 per cent. Estimates in December 1995 indicated that the average wage of workers at the national level was US$ 180 and only covered 70 per cent of the cost of the basic basket of needs.9/

40. Deepening poverty has had far-reaching effects on the health and education situation, generating a drastic decline in family incomes in the country and in the cities. The study on the poverty situation in the country reflects

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8/ National Institute of Statistics and Censuses (INEC), "National Censuses 1995", p. 9.

9/ Data taken from the World Food Programme (WFP), "Nicaragua, Country Strategy for WFP Assistance 1998-2002", December 1996.

74.8 per cent of Nicaraguan households qualified as poor or very poor and only 25.2 per cent of households in the category of not poor.10/

Levels of poverty by age groups

Levels of poverty	Infants (0 - 5)	Children (6 - 14)	Adolescents (15 - 19)	Young people (20 - 24)	Adults (25 - 29)	Third age (50+)	Total
Not poor	14.23	14.68	19.17	22.46	24.77	20.35	19.07
Poor	25.04	23.94	29.93	30.07	29.97	38.80	27.93
Very poor	60.73	61.38	50.90	47.47	45.26	40.85	53.00
Total poor	85.77	85.32	80.83	77.54	75.23	79.65	80.93

Source : Based on data obtained in the document: Ministry of Social Action, "Study of Poverty in Nicaragua. Preliminary Report", mimeograph, Project NIC/93/016, MAS/UNDP/UNICEF, Managua, Nicaragua, 30 June 1994, p. 34.

41. In regard to the health aspect, the official data of the Ministry of Health for the five-year period 1990-1995 show the following data on infant and maternal mortality:

(a) Infant mortality is 58.2 per thousand live births; although it is in general high, it should be mentioned that it has been reduced by the various actions undertaken, including the activities of the acute respiratory diseases (ARI) programme;

(b) Maternal mortality is estimated at 110 per hundred thousand live births, the chief causes being haemorrhage, eclampsia, puerperal sepsis and induced abortion.

42. Malnutrition affects 22 per cent of children under 5 years, according to a World Bank report of February 1994. The Ministry of Health reports that 24 per cent of children have growth problems and 36 per cent suffer from anaemia.

43. In the field of education there are low rates of school enrolment; these are tending to increase in the rural sector. The net rate of pre-school education is 17.2 per cent, the net rate of primary education is 75.2 per cent and of secondary education 27.3 per cent. Only 189 out of every thousand students completed primary education successfully in 1994, according to data from the National Plan of Action for Children and Adolescents.

44. This social situation is becoming even worse for women, children and adolescents who have increasingly less access to basic services and lesser possibilities for growth and development in their living conditions.

10/ "Study of Poverty in Nicaragua", Ministry of Social Action (MAS)/UNICEF, April 1994, mimeograph, p. 1.

45. According to data offered in the UNICEF study "Analysis of the Situation of Children and Women", taken from the National Survey to Measure the Standard of Living, of 1993, the following features of the situation of children and adolescents are revealed:

(a) Children under 15 years account for 52 per cent of the population in extreme poverty;

(b) There is a relationship between poverty, place of residence, infant mortality and overall fertility;

(c) The greatest inequalities are to be found in the Central, North and Atlantic regions;

(d) More than 1,600,000 citizens under the age of 18 are living in conditions of vulnerability;

(e) Of these more than 107,500 are in a survival strategy;

(f) 16 per cent of the 2,287,000 children of 6 to 18 are declared to be active, in search of employment or working: this represents 365,920 children;

(g) 20 per cent of boys and girls between the ages of 6 and 9 years are working;

(h) 23 out of every 100 adolescents between 15 and 17 years are working.

46. Data supplied by the Ministry of Labour in a study prepared by the Centre for Labour Studies based on data from the Survey of Rural Households of August 1996 indicate that in Nicaragua:

(a) 87,268 children between the ages of 10 and 19 years were in paid employment (bosses, self-employed and employees). 15,534 (17.8 per cent) of these were between the ages of 10 and 14 years and 71,734 (82.2 per cent) between the ages of 15 and 19 years;

(b) 73,418 children between 10 and 19 years were employed in the houses, on the farms or in the businesses of family members (unpaid family work). 29,519 (40.2 per cent) were between the ages of 10 and 14 years and 43,899 (59.8 per cent) between the ages of 15 and 19 years.

47. As a result of these factors a growing trend may be observed in the problems of the family and its psychosocial situation which is reflected in a growth in delinquency, child prostitution, children working and not studying, intra-family violence, trafficking in children, increasing numbers of cases of abandonment, toxic drug-taking, juvenile suicides, etc. The last report of the National Police in 1997 reflects growth in delinquency. There are at present 400 adolescents between the ages of 15 and 18 in prison, and according to information from the prison system dated 29 September 1997 there are 4,000 prisoners at the national level.

48. From the perspective of the Nicaraguan State, there has been an effort to build up initiatives for programmes and projects directed towards the most

vulnerable and poorest groups of the population. There have been various efforts in the 1990s to achieve a more integrated social policy and a response to the problems of children, which have become a relevant point of the social agenda. This endeavour consolidates national and/or local programmes such as the Integrated Basic Services Programme (PROSERBI), Programme for the Integral Care of Nicaraguan Children (PAININ), the Mayors Friends of Children initiative, the Ministry of Health model of integrated care for women, children and adolescents, the agreement between the Ministry of Education and the Ministry of Health on healthy schools, the creation of commissariats for women and children, among others.

49. The synthesis of this process is expressed in the existence of the National Policy for the Integrated Care of Children and Adolescents, 1997-2001, which sets out the country's main targets to the year 2001 in response to the situation faced by children and adolescents.

50. The Coordinating Body for Non-governmental Organizations Assisting Children and other instances and agencies of a private nature have undertaken various efforts to improve the situation of children in the areas of health, education, the environment, family work and other fields to put forward a national working proposal to tackle the problem. The main efforts of the Coordinating Body include participation in the elaboration of proposals for a code, policies and information and awareness campaigns on the Convention and its application to realities in the country, the importance of the adoption of the Code on Children and the Family Code and actions of mobilization on specific issues relating to children and adolescents.

51. So as to better illustrate the situation of children and adolescents, we present the main indicators and data on the situation of children in 1993.

52. We set out below the main indicators and data on the situation of children in 1993, which will be of interest to serve as a reference for this report and the situation today:

Situation in 1993

Fertility rate	5.6 children/woman (1985-1990)
Infant mortality	71.8 per 1,000 live births
Illiteracy	24 per cent of the population
Children in especially difficult circumstances:	675,700
Children coming under the survival strategy	107,100
Street children	1,100
Maltreated and abandoned children	3,500
Institutionalized children	1,600
Children in armed conflicts	266,900
Children in natural and ecological disasters	182,500
Children with specific social care needs	113,000

Source: Nicaraguan Social Welfare Institute (INSSBI).

Life expectancy at birth	64.8
Adult literacy rate	81.0 per cent
Literacy index	0.78 per cent
Average years of school attendance	4.3
Index of average years of school attendance	0.35 per cent
Real per capita GDP	1,497
Adjusted real GDP	1,497
Human development index	0.500

Source: UNDP report "Profile of Human Development in Nicaragua".

53. The present situation of children expressed in figures is mainly derived from data from the National Survey to Measure the Standard of Living (data supplied by the different ministries and institutions and indicators presented by UNICEF in the "Analysis of the Situation Children and Women").

Situation in 1996

Health

Percentage of children under 1 year immunized in 1996:	
Poliomyelitis BCG	96.0 per cent
Tuberculosis 3	100.0 per cent
Measles	81.0 per cent
Diphtheria, pertussis and tetanus	85.0 per cent
Tetanus (women of childbearing age immunized)	90.0 per cent
Deliveries attended by health personnel	49.0 per cent
Prevalence of diarrhoea among children under 5 years	18.0 per cent
Percentage of children with diarrhoea using ORS	54.0 per cent

Water and sanitation

Access to drinking water:	
Urban area	81.9 per cent
Rural area	25.7 per cent
Access to sanitation:	
Urban area	75.0 per cent
Rural area	32.4 per cent

Education

Gross primary school enrolment	104.0 per cent
Net primary school enrolment	78.6 per cent
Illiteracy rate (over 6 years):	
Total	29.0 per cent
Urban	16.0 per cent
Rural	45.9 per cent

Indicators of nutrition

Percentage of breast feeding:	
0-4 months	11.0 per cent (exclusive)
4-6 months	89.0 per cent (mixed)
9-11 months	56.2 per cent (mixed)

Average duration of breast feeding	12.3 months
Percentage of required calories consumed per capita	80.3
Rate of low birth weight	15.0 per cent
Percentage of malnutrition (weight for age):	
Moderate	12.0 per cent
Severe	3.4 per cent
Prevalence of goitre among women over 13 years	20.4 per cent (1989)

54. The elements for analysis that emerge from the data presented in this section as compared with the data in the initial report of Nicaragua (CRC/C/3/Add.25) on the situation of children are as follows:

(a) Poverty is the principal cause affecting the quality of life and the development of children and adolescents in Nicaragua;

(b) There is a percentage of children and adolescents who have been affected in their basic rights to health, education, recreation, information and participation, this situation being worse in the rural sector of the country and in particular in the municipalities in the dry area and the Atlantic and North-Central sector of the country;

(c) At the national level, malnutrition is one of the main problems of children and adolescents, affecting age groups over 6 years because of the generalized situation of lack of income and the growth of families in extreme poverty;

(d) The main causes of infant mortality continue to be diarrhoea and respiratory infections and problems in the perinatal period associated with poverty and malnutrition generally affecting the poorest communities of the country;

(e) One of the problems of the situation of children and adolescents is the lack of access to pre-school, primary and secondary education and a broad swathe of children between 6 and 17 who do not go to school;

(f) The cultural problem of the underesteem of women and other conceptual factors relating to the family have increased under the present conditions - authoritarianism, ill-treatment, lack of value attached to the work done by boys and girls, and has generated a sector of the population active in conditions of risk and exploitation;

(g) There is a lack of systematization in the monitoring and follow-up of the human rights situation of boys and girls, which is connected with the lack of a single system of information and analysis, and the country still requires financial and technical support in this connection;

(h) One of the problems identified is the lack of visibility and absence of data on the situation of child prostitution, alcoholism, the use of drugs and the presence of HIV/AIDS among children and adolescents;

(i) It is necessary to resolve the problem of a system of juvenile justice and to strengthen all the juridical instances that contribute to observance of the rights of children and adolescents, including the Judicial Power and the children's procurators.

III. SUMMARY OR THE PREPARATION OF THE REPORT

55. To prepare this report, the National Commission for the Promotion and Defence of the Rights of the Child drew up a plan containing the objectives, methodology and stages of the programme of work. The preparation of the conditions of this plan was begun in July 1997. For the content of this document technical support was received from the UNICEF Office in Nicaragua and it served as a basis for contracting external consultants as requested by the Commission and for the coordination of the process of work carried out by the National Commission.

56. On 4 August 1997 an official communication was received from the Ministry of Foreign Relations conveying to the Executive Director of the National Commission a document indicating the general guidelines for the form and content of the report to be submitted by Member States to the Committee on the Rights of the Child, which has served for guidance in the process of preparing this report to meet the technical requirements of the Committee. The general objective of the plan consists in two approaches, first, the process of preparation of the report, and second, to facilitate opportunities to raise awareness about the rights of the child. The period foreseen for this work was four months, starting in July and culminating in October 1997.

57. The process of preparing the report was carried out in eight stages, in accordance with the established document:

(a) Creation of internal conditions;

(b) Intersectoral meetings of the Technical Committee;

(c) Compilation of the required information and despatch of guidelines;

(d) Workshop with the participation of institutions of the State and civil society to analyse indicators and present the plan of work;

(e) Elaboration of reports by each Ministry;

(f) Presentation of the first report to the Technical Committee;

(g) Workshop for the presentation of the final report;

(h) Publication and dissemination of the report on the anniversary of the Convention on the Rights of the Child.

For the implementation of the plan of work, a team was formed comprising two officials of the National Commission and a consultant for the preparation of the report, coordinated by the Executive Director of the National Commission.

58. A process of clarification was carried out with the new representatives of the Government on Nicaragua's commitments in regard to the Convention and on the functions of the Commission on Children and the actions carried out since it was established in 1994. This process was initiated in the Social Cabinet by the Executive Director of the National Commission for the Promotion and Defence of

the Rights of the Child, who sought the support and participation of each of the institutions involved in the preparatory meetings for the preparation of the report.

59. It should be noted that the change of Government took place in February 1997 and that the preparation of this report was initiated five months later, in July. This coincided with the change in authorities and internal reorganization, the announcement of new policies, change in the relations between the State and civil society and redefinition of instances dealing with children and adolescents, which made it difficult for the ministries and instances involved in the preparation of the report to organize the information.

60. To organize the plan for the preparation of the report, a technical support committee was set up comprising the National Commission, the Ministry of Education, the Nicaraguan Fund for Childhood and the Family (FONIF), the Ministry of Health and the Nicaraguan Institute for Municipal Development.

61. After that, a first workshop was organized to unify criteria on the main indicators to be used in the report, and the plan was presented to other invited institutions. The following institutions took part: the Ministry of Social Action, the Ministry of Health, the Ministry of Education, the Ministry of the Interior, the Ministry of Labour, the Nicaraguan Fund for Childhood and the Family, the Institute of Municipal Development, the Institute of Statistics and Censuses, the Nicaraguan Institute of Water Supply and Sewerage, the National Police, and the Coordinating Body for Non-governmental Organizations Assisting Children. At this workshop the plan of work for the preparation of the report was presented and the institutions gave their views on the indicators to be used in the document and these were incorporated into the process of compiling the information. Each ministry and participating body was sent a sheet of information requirements together with the aspects of the guidelines relating to the tasks of that institution. At the workshop it was established that the report to be submitted should cover the period from 1994 to the first half of 1997.

62. During the stage of the compilation and preparation of reports bilateral meetings were held with the Ministry of Health, Ministry of Education, Institute of Municipal Development and the National Police, attended by the officials assigned the task of internal coordination of their ministry's report. These meetings were very positive, providing the opportunity to go into depth on aspects relating to the guidelines and methodology for the preparation. The institutions which sent in official reports in the established period were the Nicaraguan Fund for Childhood and the Family, the Ministry of Labour, the Ministry of Health, the Ministry of Education and the Nicaraguan Institute of Municipal Development.

63. In the course of the preparation of the document certain methodological limitations appeared which it is necessary to mention:

(a) It would have been good to have a more participative process; although the opportunities provided in the plan of work were fulfilled they were not sufficient to achieve a broad exchange in each of the participating institutions, both in the government and in civil society;

(b) The late delivery of their reports by some institutions affected times in the process of drafting the report document;

(c) The lack of data from the Judicial Power constitutes a limitation in the content of the document;

(d) Other key institutions should have been included, such as the Commissariat for Women and Children, the Commission of the National Assembly, the Institute for Women and the Institute of Culture, to generate opportunities for greater analysis.

Obviously, some of these limitations are due to the lack of an information system and mechanisms for monitoring the rights of children that would permit follow-up of the Convention and facilitate the preparation of a report of this type.

64. It should be recognized that in spite of these limitations the willingness of institutions to participate in a national plan relating to the situation of children's rights was very positive, as was the attendance at the two working meetings for the preparation of the report.

65. The preparation of the report was a valuable experience of information exchange and analysis that should be the object of a national plan coordinated by the National Commission for the Promotion and Defence of the Rights of the Child with sufficient time to achieve greater levels of mobilization and social communication regarding the rights of Nicaraguan children.

66. To provide further information on the process of preparing the report, documents are supplied in annex* containing the terms of reference, plan of work and records and minutes of the workshops held.

IV. GENERAL MEASURES OF IMPLEMENTATION

67. In this section information is given on the measures taken by Nicaragua to harmonize national law and policy with the provisions of the Convention, together with an ample report on what has been done by this State party to comply with the thrust of the topics defined by the Committee on the Rights of the Child.

68. These topics are as follows:

(a) Government mechanisms to apply the Convention on the Rights of the Child and to ensure that it is applied;

(b) National strategy or policy on children;

(c) Budgetary resources;

(d) Interrelationship of governmental and non-governmental mechanisms;

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* May be consulted in the archives of the Secretariat.

(e) National programme of action covering all aspects of the Convention on the Rights of the Child;

(f) Training on the Convention;

(g) Publications and translations of the Convention;

(h) Participation of UNICEF in the preparation and dissemination of the report.

69. To meet these requirements the information has been organized into the following twelve sections which cover the principal activities carried out by the State party in terms of policies, measures and plans at the national and local level:

(a) Measures of a juridical order;

(b) Measures relating to the creation of instances and programmes in accordance with the Convention;

(c) The National Plan of Action for Children and Adolescents, 1997-2001;

(d) Principal projects of the Nicaraguan State in the service of children;

(e) Policies;

(f) Legislation: Code on Children and Adolescents;

(g) Measures taken in regard to information systems;

(h) Measures taken for the creation of instances promoted by the State party;

(i) Amount of external cooperation for children;

(j) Cost of the National Plan of Action for Children and Adolescents;

(k) The State party and civil society;

(l) Measures to promote the participation of children;

A. Measures of a juridical order

70. In regard to this point, the Committee on the Rights of the Child, when it examined the initial report of Nicaragua (CRC/C/3/Add.25) and took cognizance of the report of the Coordinating Body for Non-governmental Organizations Assisting Children, in 1994, expressed in its final observations on legislative reform its recognition of the progress made in the National Assembly with laws relating to sexual abuse and urged it to continue with an exhaustive revision of the laws relating to children. It also took note in this connection of the possibility of making amendments to the Constitution to give the Convention constitutional status.

71. From 1994 to 1997 there was some important progress and certain obstacles which it is necessary to define historically with reference to the commitments assumed by Nicaragua as a State party to the Convention:

(a) In March 1994, the National Commission for the Promotion and Defence of the Rights of the Child was created; its constitution, objectives and strategies are intended to formulate and evaluate public policies and follow up the Convention as an international legal instrument in everything related to fulfilment of economic, social, cultural and civil rights, the rights to opinion and participation, free association, thought, conscience and religion;

(b) In the new Partial Law of Constitutional Reform the Convention was raised in article 71 to constitutional status, incorporating it into the text of the Constitution and thus conferring the highest status on this international instrument on the rights of children;

(c) Since 1994, the National Commission for the Promotion and Defence of the Rights of the Child in coordination with the efforts of the Coordinating Body for Non-governmental Organizations and other institutions of civil society has taken the responsibility of initiating a process of general review of domestic legislation to bring the situation to light. Efforts have been made by the Commission as well as by some non-governmental institutions to elucidate the legal situation of children, constituting a point of departure for the elaboration of the Code and of policies.

72. From the analysis, discussion and review of the legislation in force it was concluded that it was necessary to have a juridical and legislative framework, which meant the drafting of new legal instruments that would, in accordance with the Convention, fill the legislative and judicial gaps in regard to the rights of children. It was also recognized that to change from the doctrine of irregular situation to the doctrine of integrated protection, by which the Convention is inspired, can only be done through the comprehensive juridical transformation of domestic law.

73. Both policy and the first draft of the Code on Children and Adolescents were the result of work by interdisciplinary teams composed of representatives of different government institutions and non-governmental organizations working with children, coordinated by the National Commission on Children. In this process the contributions, proposals and areas of responsibility and participation of civil society and especially of the Coordinating Body for Non-governmental Organizations Assisting Children were of fundamental importance.

74. The approach adopted by the State in the elaboration of policies and the Code on Children was based on the premise that social policies should be related to the legal framework for the rights of children and hence these were developed simultaneously. In this process the advice of both national and international experts and the support of UNICEF and the Permanent Commission on Women, Children, Juveniles and the Family of the National Assembly were of great value.

75. In the review of legislation the following laws were identified as forerunners for change relating to children and the family:

(a) The Adoption Act (published in La Gaceta No. 259 of 14 November 1981);

(b) The Law Governing Relations between the Mother, Father and Children, Decree No. 1065 (published in La Gaceta No. 80 of 24 April 1982);

(c) The Law on the Dissolution of Marriage by the will of one of the parties. Law No. 38 (published in La Gaceta No. 80 of 29 April 1988);

(d) The Maintenance Act (Law No. 143) (published in La Gaceta No. 58 of 24 March 1992).

76. Since ratification of the Convention in April 1990 and examination of the initial report in May 1995 the changes have been as follows:

(a) Those related to the elaboration and adoption of policies;

(b) The new Labour Code;

(c) Reforms to the Penal Code establishing rape as a public criminal offence; and

(d) The reforms to the Constitution in 1995 establishing the concept of family property, free of taxes and from seizure, thus favouring women with children.

In these efforts the position of the Permanent Commission of the National Assembly on Women, Children, Juveniles and the Family was very important in supporting the raising of the Convention to the constitutional level and in supporting all the proposals in favour of children submitted to the Assembly.

77. The content of these changes is set out below:

(a) Promulgation of the Labour Code;

(b) For the first time a Title VI was incorporated into the new Code, regulating child labour in 9 articles numbered 133 to 141 under the heading "Of labour by children and adolescents";

(c) In accordance with the Convention, the law establishes a series of specific rights for children and adolescents;

(d) It deals with the need to improve everything to do with inspection, establishes 14 years as the minimum age for work (art. 131 CT) and 16 years as the age of legal ability to enter into a labour contract (art. 22 CT), establishes prohibitions and rights (arts. 133 and 134 CT) and extends the prohibitions to juveniles under 18 (art. 136 CT);

(e) Preliminary draft of the Family Code (1994-1995). This reform of articles 70 to 79 of the Constitution includes and updates the provisions of the Civil Code and incorporates in full, duly modified, the specific laws relating to the family, governing the relations of the family as an institution in

accordance with the title of the Convention that refers to the family environment and care;

(f) Drafting of the Code on Children and Adolescents (1995-1996);

(g) Law creating the Office of the Procurator for Human Rights within which is established the Office of the Procurator for Children. It should be noted that this law was approved by the previous National Assembly but had no legal force since the new Assembly declared null all legislation enacted after 22 November 1996.

78. Other important laws in favour of the family and especially of women that may be mentioned are the following:

(a) The Social Security Act (1982) expands the scope of services and benefits to various sectors. In the case of women it is discriminatory in regard to the attribution of widows' pensions;

(b) The Law on Breast Feeding (1981), which promotes breast feeding;

(c) The Agrarian Reform Act (1981) establishes women's right to access to land, either personally or jointly with their husbands;

(d) The Farm Cooperatives Act (1990) promotes equality of rights and obligations between men and women who are members of cooperatives;

(e) The laws on urban and rural ownership and the division of land into plots, known as Laws 85, 86 and 88, grant the right to ownership to persons who, at the time of its promulgation, were living in a house or had received land or plots from the Government; many of these beneficiaries have not yet received their definitive title deed.

B. Measures relating to the creation of instances and programmes in accordance with the Convention

79. Other highly relevant activities carried out by the State and supported by civil society during this period have been:

(a) The revision, editing and publication of the National Plan of Action for Children and Adolescents for the five-year period 1997-2001;

(b) The creation of the Nicaraguan Fund for Childhood and the Family (FONIF) in 1995;

(c) The Government Plan for the Divulgation of the Integrated Policy for the Care of Children and Adolescents, and the Plan and First Draft of the Code on Children and Adolescents (1997);

(d) The constitution of the National Commission for the Progressive Eradication of Child Labour and the Protection of Juvenile Workers.

80. It is also important to highlight a series of cooperation initiatives and agreements that have received support from international and national non-

governmental organizations and that are aimed at strengthening policies and strategies for working with children related to the Convention:

(a) The UNICEF-Supreme Electoral Council agreement on the right to a name and nationality;

(b) The seminars given by the National Commission for the Promotion and Defence of the Rights of the Child to the Local Integral Health Care Systems (SILAIS), the Municipal Commissions on Children and staff and technicians of institutions, on policy and the draft of the Code and the Programme for the Integral Care of Nicaraguan Children (PAININ);

(c) The agreement between the National Commission for the Promotion and Defence of the Rights of the Child, Rädda Barnen and the National Police on the rights of the child;

(d) The European Union Project for Integral Support to the Juvenile Penal Population;

(e) The National Commission (Government-civil society) for the Care of Victims of Sexual Violence.

81. In applying these measures the Commission for the Promotion and Defence of the Rights of the Child has played a role facilitating and coordinating the various efforts relating to the problems of greatest priority for compliance with the Convention.

C. The National Plan of Action for Children and Adolescents, 1997-2001

> "Work for children and the results that can be achieved with it is a priority task for Nicaraguan society and compels all citizens to advance steadily towards substantive improvement of our children's conditions of life, a task which this new government presided by Dr Arnoldo Alemán Lacayo is assuming with responsibility, recognizing that the targets set out in this Plan guarantee the fulfilment of their rights".
>
> Amalia Frech
> Executive Director of the National Commission
> for the Promotion and Defence of the Rights of the Child
> (July 1997)

82. In the initial report of Nicaragua, reference is made to the elaboration of the National Plan of Action on Human Development, Children and Youth, 1992-2000, as part of the social agenda of the government coordinated by the Ministry of Social Action (CRC/C/3/Add.25, para. 197). Both ratification of the Convention on the Rights of the Child and Nicaragua's participation in the World Summit for Children helped the country to put together the first Plan of Action.

83. This first Plan had some limitations: it was not the product of consensus between the different sectors involved and there were some difficulties with interinstitutional coordination and it was not widely publicized. Nor did it represent an advance in regard to the Convention's approach to the doctrine of

integral protection, since this had not been adopted by the main bodies involved in the implementation of the Convention.

84. In 1996 the first edition of the National Plan of Action for Children and Adolescents, 1997-2001, was published and has been ratified by the new Government through the National Commission, continuing the commitments undertaken in 1990 at the World Summit for Children in New York and providing guidance on institutional plans for children.

85. The major goals defined at the World Summit for Children are:

(a) Between 1990 and the year 2000, reduction of infant mortality by one third;

(b) Reduction of maternal mortality rate by half;

(c) Reduction of malnutrition among children under 5 by half;

(d) Universal access to safe drinking water and to sanitary means of excreta disposal;

(e) Universal access to basic education;

(f) Reduction of the adult illiteracy rate by half; and

(g) Improved protection of children.

86. The Plan of Action will be implemented, through a system of integral care composed of the different institutions and non-governmental bodies carrying out programmes relating to children. This system will ensure the monitoring and evaluation of its targets. The Plan gives special importance to two fundamental aspects of the development of children and adolescents, the family and school, and in it support is given to all the efforts and programmes to strengthen the family, and especially to women and children, and to communal and municipal organizations, so that all members of Nicaraguan society contribute to the resolution of problems relating to children.

87. The Plan contains six chapters with their corresponding annexes. In its first chapter it deals with the situation of children in a national context, and specifically with their situation in regard to different areas of care and the perspectives in each of these, as well as certain aspects relevant to women. The second chapter establishes the institutional framework, defining the participation of the different instances in the implementation of the plan at the national and local levels. The third chapter refers to the principles, objectives and strategies that underlie and provide guidance and norms for the implementation of the different programmes, projects and actions. The fourth establishes the specific objectives for the different components, the targets to be fulfilled in the five-year period and lines of action to meet these targets. The fifth chapter contains the programmes, projects and their financing presented according to the different components to be implemented to meet the targets. Finally, the sixth chapter defines the procedures for the monitoring and evaluation of the Plan. The annex to the Plan contains tables with prioritized targets in relation to the situation of children and adolescents in Nicaragua and a list of the indicators to be used to measure them. The National Plan of Action thus sets out the commitment of the Nicaraguan State to provide a

better future for children and adolescents, as the basis for the human development of the population.

88. In regard to the impact of these targets and the functioning of the Interinstitutional Commission, it must be recognized that progress is still slow in this phase of government transition and that coordination with civil society was initiated only in the last few months over the elaboration of this report and the approach to be taken to the problem of child labour.

D. Principal projects of the Nicaraguan State in the service of children

89. We describe below the projects of major importance developed by Nicaragua as a State party for the benefit of the poorest sectors and aiming to improve their living conditions. These have been classified in two groups of projects carried out by the State to help children:

(a) Projects co-financed by international agencies by means of loans and/or grants and that contract special executing units for their implementation;

(b) Projects financed from the national budget and that receive financial cooperation and/or technical advice from other agencies or national or international non-governmental organizations and that are registered in the National Plan of Action for Children and Adolescents.

90. In the first group information is given on the following five projects: (i) the Programme for the Integral Care of Nicaraguan Children (PAININ); (ii) the Integrated Basic Services Programme (PROSERBI); (iii) the Project for assistance to pre-school and first cycle primary school age children in depressed areas (PMA/FONIF 4515-01); (iv) the Integrated School Nutrition Programme (PMA/MED 4531); (v) the Programme of Mayors Friends and Defenders of Children.

91. The most important projects in this group are coordinated or executed by the Nicaraguan Fund for Childhood and the Family and by the National Commission for the Promotion and Defence of the Rights of the Child and many of them strengthen programme areas of these two instances. Their objectives are described in the paragraphs in which the functions of these instances are outlined.

1. The Programme for the Integral Care of Nicaraguan Children (PAININ)

(a) Basic data

92. Coverage: national; Start-up year: 1996; Period of coverage: 1997-1999; Participating institutions: Nicaraguan Fund for Childhood and the Family; National Commission for the Promotion and Defence of the Rights of the Child.

(b) Financing and objectives

93. This is programme financed by the Government of Nicaragua from a loan from the Inter-American Development Bank (IDB), a grant from the Government of Norway through the Norwegian Agency for Development Cooperation (NORAD), and its own

resources. It also has the support of non-governmental, grassroots and community organizations. It is designed as a pilot project whose general objective is to improve the welfare of children under six years in conditions of extreme poverty in urban and rural areas by creating a Nicaraguan system of child care. With the type of services it has it is a preventive programme investing in the early and integral physical, psychosocial, emotional and cognitive development of children.

(c) Components and strategies

94. (i) Support to the formulation of child care policies; (ii) support to the delivery of non-formal services for children; and (iii) implantation of a continuous system of impact monitoring and evaluation.

95. As a pilot programme, the PAININ aims to develop a model of integral care for Nicaraguan children and is also visualized as an initiative to promote human and social development through the care of children from an early age, through the impact on the children themselves and adults organized in the family, and on organizations, such as the institutions responsible for guaranteeing appropriate environments and conditions for the healthy development of our children, and through the design and implementation of a pedagogical model to facilitate this.

96. It sets out to draw together different actions undertaken in isolation and organized and financed by different sources to address the problems of children from 0 to 6 years so as to form an institutional strategy for the integral care of Nicaraguan children.

97. In 1997 the Programme has concentrated its efforts on preparing conditions for the organization of community children's centres and coordination with mayors and the participating non-governmental organizations. The community children's centres will carry out activities of early stimulation and daily care in poor communities in the rural and marginal urban areas to promote the development and growth of children under 6 years. These activities are: attention to the cognitive and psychosocial development of the children; extension of the timetable to cater for the needs of working women; extension of coverage to provide care to children under three years; improvement of the ability of poor families and communities to attend to physical and psychosocial needs; strengthening of systems of training and project management.

2. The Integrated Basic Services Programme (PROSERBI)

(a) Basic data

98. Coverage: national; start-up year: 1992, with precedents in the Five-Year Rural Development Programme.

(b) Financing

99. The United Nations Children's Fund (UNICEF) will contribute US$ 3.47 million, of which US$ 350,000 correspond to general resources and US$ 3,120,000 to supplementary resources, depending on the availability of funds provided by donor countries or institutions in the five-year period 1997-2001.

(c) Objectives

100. The Programme has the following general objectives:

(i) To facilitate the formulation of municipal plans for the social development of children, young people and women, in the framework of the Mayors Friends and Defenders of Children (see section 5 below);

(ii) To contribute to the fulfilment of national targets for the survival, protection and development of children and the human rights of children and women.

(d) Strategies

101. As a fundamental strategy, the Programme will support the process of decentralization of planning and implementation, as part of the State's development policy. The Programme also proposes to strengthen institutional capacity so as to develop programme management, especially by mayors and their corporations, to ensure that the latter play a dynamizing and facilitating role and mobilize resources from the community and from other children's and women's cooperation agencies, favouring an intersectoral approach to the search for solutions based on the family and the community. Through better managerial capacities it is hoped to consolidate a system that will make it possible to monitor and evaluate the changes produced by interventions in favour of the population.

102. Another very important strategy is community participation; experience with the organization of the population at the community level will be used and strengthened to support and consolidate mechanisms for effective participation, incorporating the voices of children. This will help to improve community services and create conditions propitious for sustainable development.

103. The strategy of communication and social mobilization will facilitate the dissemination of knowledge about the rights of children and women at the local levels, promoting the participation of various social sectors to mobilize resources to benefit children.

104. The Programme will also support the installation of systems of water supply and sanitation, the introduction and standardization of low cost appropriate technology, and will deliver basic equipment and promote the creation of alliances with other institutions, donors and programmes to strengthen the implementation of projects in rural areas and places of remote or difficult access, and to maximize resources.

105. Monitoring and evaluation will be of special interest, using verifiable indicators, to follow the living conditions of children and women in the municipalities and for capacity building at this level.

106. The gender approach will be a strategy running through all components of the Programme, to generate processes that lead to a reduction in disparities.

107. PROSERBI has supported the areas of health, education, care of juveniles in difficult situations, water, sanitation, support to women and support to

educational actions in 138 communities in 16 of the country's poor municipalities, covering more than 110,000 people.

3. Project Nicaragua 4515-01: assistance to pre-school and first cycle primary school age children in depressed areas

(a) Basic data

108. Coverage: national; start-up year: 1991. Up to 1996, this project has supported the children's canteens programmes of the Nicaraguan Fund for Childhood and the Family (FONIF) and the Integrated School Nutrition Programme (PINE) known as the "school milk programme" of the Ministry of Education. The main effort now is directed to focusing activities and strengthening coordination at the local level, and bringing in other institutions, especially mayors and their corporations and community organizations, so as to successfully meet the needs of the selected population. The project attaches special priority to the gender approach and the training of community leaders.

(b) Long term objective

109. The long term objective is to assist the Government:

(i) To improve the quality and efficiency of basic education (pre-school and primary) and

(ii) To increase the intake of nutritious foods by the selected beneficiaries.

(c) Immediate objectives

110. The immediate objectives are as follows:

(i) To help to supply an adequate dietetic and micronutrient intake by providing a cooked meal, bread and an enriched drink;

(ii) To help children in the pre-school community education centres to reach levels 1 and 2 of the institutionalized education system;

(iii) To give the beneficiary children greater ability to concentrate and assimilate information by giving them dietary support and alleviating hunger in the short term;

(iv) To help to increase the rate of school attendance in the first two years of primary school;

(v) To reduce the percentage of dropout from 20 to 10 per cent in the first two years of primary school;

(vi) The project is based on the first two years of primary school because: (a) it is here that the school dropout rates are highest; (b) resources for the project are limited; and (c) younger children are more vulnerable from the nutritional point of view.

(d) Results

111. The results it is hoped to achieve are:

(i) To improve the diet of 125,000 children in the pre-school community education centres by providing enriched foods and cereals, and of 25,000 pupils in the institutionalized sector (pre-school education and the first two years of primary school) by providing enriched foods, bread and cereal;

(ii) To increase intakes of vitamin A (serum retinol) and iron (adequate haemoglobin level) in 80 per cent of the beneficiaries;

(iii) To increase school attendance and reduce school dropout to 10 per cent in the first two years of primary school;

(iv) To increase by 10 per cent the number of children moving on from pre-school education to the first two years of primary education;

(v) To strengthen 1,850 centres managed by the Nicaraguan Fund for Childhood and the Family (FONIF) so that they have their own committees supported by FONIF.

(vi) To give 9,250 person-days of training at 1,850 non-institutional centres of pre-school education.

4. Integrated School Nutrition Programme (PINE)

(a) Basic data

112. Coverage: national; start-up year: 1992; number of beneficiary children: 250,000 cereal and bread, 200,000 cereal, 50 per cent girls; number of schools served: 5,188; level of beneficiaries: pre-school, first and second grades; products distributed: composed cereal (250 ml), fortified school bread roll (28 g).

(b) Objectives

113. The Programme has the following two objectives:

(i) To contribute to improving school retention, daily attendance and the benefit derived from school by the beneficiary children; and

(ii) To help to partially satisfy the food and nutritional requirements of the Nicaraguan children served.

(c) Financing

114. This is a programme financed by the World Food Programme (WFP), the European Union (EU), USAID, the Government of Nicaragua and the education community.

(d) Beneficiaries

115. The beneficiaries of the PINE programme are children of families with little resources attending the country's public school system. The system is concerned with three levels: pre-school and the first and second grades of primary school, guaranteeing reading and writing for the children covered.

5. Programme of Mayors Friends and Defenders of Children

116. This programme, executed by the Nicaraguan Institute of Municipal Development (INIFOM) has arisen in fulfilment of the mandate of the Nicaraguan Government and in support of the International Initiative of Mayors Defenders of Children, assuming through the Network of Mayors Friends and Defenders of Children the commitments for the year 2000 entered into by Nicaragua in 1990 at the World Summit for Children. The Institute's intention is to consolidate, strengthen and develop the Network of Mayors as a real support to the children of Nicaragua and to obtain the technical and financial support of international agencies such as UNICEF and Redd Barna of Norway, to mention just a few.

117. One of the fundamental contributions of the Network of Mayors is promotion of the formation of municipal commissions on children as instances for the promotion of children's rights, in which efforts are joined with other institutions and non-governmental organizations such as the Nicaraguan Fund for Childhood and the Family, the Constitutional Rights Centre and NGOs with local projects in communities of extreme poverty (for more details on the municipal commissions on children, see section H.4, paragraph 148).

(a) What is the Network of Mayors Friends and Defenders of Children?

118. It is an organization composed of mayors of municipalities throughout the country who unite in support and solidarity for the International Initiative of Mayors and Municipal Leaders who decided voluntarily to assume and fulfill the commitments entered into by their respective national governments, deriving from the Convention on the Rights of the Child and the World Declaration on the Survival, Protection and Development of Children.

(b) Objectives of the Network of Mayors

119. Its aim is essentially to stimulate commitment in municipal governments:

(i) To promote and defend the rights of children;

(ii) To back fulfilment of targets for the survival, protection, development and participation of children;

(iii) To ensure fulfilment of the National Plan of Action for Children and Adolescents.

(c) Who are the members of the Network of Mayors?

120. The Network is composed of mayors who voluntarily wish to join and are prepared to work to improve the living conditions of children in Nicaragua; any mayor may apply to join after taking cognizance of the commitments, the

decalogue of mayors defenders of children and the rules of operation, and being prepared to implement them.

(d) How does the Network of Mayors work?

121. The mayors who are members of the Network elect in their Department the mayor who will represent them on the national Coordinating Committee of the Network, and also elect an Executive Committee comprising four more mayors.

(e) What do the mayors members of the Network do?

122. The tasks carried out by the mayors are as follows:

(i) To integrate commitment to promote the rights of children into the plans of the municipal government;

(ii) To implement policies, programmes, projects and concrete actions for the benefit of children;

(iii) To involve all sectors of society in improving the conditions of children's life;

(iv) To give local backing to fulfilment of targets for the survival, protection, development and participation of children in Nicaragua.

E. Policies

123. The elaboration of the national policy of integral care for children and adolescents is one of the principal efforts undertaken by the National Commission for the Promotion and Defence of the Rights of the Child, with the participation of other government institutions and the Coordinating Body for Non-governmental Organizations Assisting Children. The document presents four types of policies for children:

(a) The first is to do with the universal policies that are part of the rights of all human beings, and specifically of the rights of the child, and that will be included in the draft Code on Children and Adolescents; these are access to education, health and food and the beneficiaries are all the children of Nicaragua, without any type of distinction. Those responsible for implementing this type of policy are the specialized government agencies in each of these services, in collaboration with non-governmental organizations and community organizations;

(b) A second level of policy has to do with assistance and is directed towards the sectors of the population in extreme poverty, who still need additional support to overcome this situation and who may then more easily have access to universal services. These are delivered through social programmes or programmes of protection essentially related to social policies;

(c) A third policy is directed towards groups of children whose circumstances are such that they merit a specific and special type of protection. These are the groups of children and adolescents who are abandoned, ill-treated, victims of different systems of social, economic or any other type

of violence, and who require additional protection, either by the government or by religious or community organizations. It is proposed that the Nicaraguan Fund for Childhood and the Family should administer the projects and services related to this aspect;

(d) The fourth policy has to do with the guarantees that will also be included in the Code on Children and Adolescents and that relate to young people presumed or alleged to have broken the law. It refers specifically to the creation of a system of juvenile justice that will guarantee defence of the rights of adolescents and children in these circumstances.

F. Legislation: Code on Children and Adolescents

124. The draft Code on Children and Adolescents has been elaborated taking into account the principles of the Convention on the Rights of the Child which is the international legal instrument to which Nicaragua is one of the States Parties. It also includes the principles and strategies of the policy of integral care referred to earlier.

125. Among the principles governing the proposed Code are participation, equality, the best interest of the child, integral protection, family life together, guarantee, survival and development by the State. In the Code it is established that childhood extends from 0 to 13 years and adolescence up to 18 years, in accordance with the legal framework established by the Convention (see also section H.1(c), paras. 136-139).

G. Measures taken in relation to information systems

126. In the initial report to the Committee on the Rights of the Child (CRC/C/3/Add.25), reference is made to the question of statistical data and information systems, recognizing that our country has difficulties with the system of statistics and censuses. It also noted the problem with the civil registers and records of other institutions of the birth of children, which is that thousands of children have not been registered so that there is under-registration which needs to be corrected with new legal procedures and guidance and mobilization to facilitate registration.

127. In the 1994 report the various initiatives to find solutions to this problem are mentioned:

(a) Research and studies to contribute to the creation of a system of indicators for the rights of children;

(b) A UNICEF pilot project on civil registration and a search for alternatives through the Supreme Electoral Council and the Nicaraguan Institute of Municipal Development (INIFOM) with support for its implementation in the municipalities;

(c) Exploration of the possibilities of financing from the Inter-American Development Bank for the general problem of information systems.

128. In relation to these observations, the National Commission for the Promotion and Defence of the Rights of the Child has made the following advances:

(a) In this period, to follow up the application of the Convention on the Rights of the Child, the first part of the project "Development of indicators for monitoring the Convention on the Rights of the Child" was carried out, this being the identification of pertinent data for the elaboration of these indicators. The project as a whole has a more comprehensive perspective on the implementation of children's rights and will contribute to a greater cooperation among programmes, constituting a valuable input for the creation of an appropriate information system to monitor policies and actions in favour of children;

(b) This effort was initiated in 1995 with the study coordinated by the National Commission for the Promotion and Defence of Children, whose results are presented in summary in the document "Diagnosis of information systems for the monitoring of the Convention" which has served as the basis for the devising of indicators and will make it possible to monitor the degree of compliance with the articles of the Convention on the Rights of the Child; Child Watch International has been the agency supporting this effort through technical and financial assistance;

(c) Later, in December 1995, a workshop was held at which a Protocol was designed based on a critical reading of the Convention, the reports of the Government and NGOs sent to Geneva, and official documents on the situation of children, and the final results were presented at the workshop on indicators held this year. At this workshop, each of the participating institutions gave information about the situation of its information systems and possibilities for support in the construction of a system of indicators, revealing unequal development among the different systems and important advances in institutions such as the Ministry of Labour, the police and the Ministry of Education with the incorporation of modules covering children and adolescents in their systems and data bases;

(d) The National Commission for the Promotion and Defence of the Rights of the Child is at present putting the final touches to the design of the system of indicators to monitor the rights of children, with the participation of different institutions of the State and of civil society.

H. Measures taken for the creation of instances promoted by the State party

129. Given the importance of the National Commission for the Promotion and Defence of the Rights of the Child and the creation of new instances relating to the defence of the rights of children, we present ample information on what has been done in the period covered by this report; other instances are also mentioned that contribute to and/or facilitate compliance with children's rights.

1. The National Commission for the Promotion and Defence of the Rights of the Child and its Perspectives (1996-1997)

130. The National Commission for the Promotion and Defence of the Rights of the Child presents a summary of the main actions carried out between 1995-1996, in accordance with its guidelines which take account of the recommendations of the Committee on the Rights of the Child. Details are given below of the actions that should give continuity to the efforts undertaken, in particular the formulation of policies addressing children and adolescents.

(a) Policy

131. In this connection, the National Commission for the Promotion and Defence of the Rights of the Child has, through a participative process, elaborated the national policy of integral care for children and adolescents of the Republic of Nicaragua approved by the Government's social cabinet. This policy has been translated into practice through a national plan of action that guarantees the implementation of programmes, projects and actions with a new vision.

132. For this reason, the National Commission in 1996 elaborated the National Plan of Action for Children and Adolescents for the five-year period 1997-2001, in which the targets to be attained in this period are defined in the light of conditions in the country, response is given to some of the most keenly felt demands of the population, with greater coverage of basic services, establishing the components of health, nutrition, education, water and sanitation, the rights of children, children in situations of social risk and gender equity/women.

133. For the formulation of these instruments institutional technical committees were set up, with delegates from governmental and non-governmental agencies, and interinstitutional sub-committees as a mechanism for consultation. This made it possible to actively involve and share responsibility with the different sectors of society.

(b) Programmes

134. Execution of the Programme for the Integral Care of Nicaraguan Children (PAININ) was initiated in conjunction with the Nicaraguan Fund for Childhood and the Family (FONIF); this is aimed at improving the welfare of children under six years in conditions of poverty in the rural and marginal urban communities. In this case, it is the Commission that has to implement component (i) "Support to the formulation of child care policies", and FONIF that is implementing component (iii) "Implantation of a continuous system of impact monitoring and evaluation" (see section D.1 (paras. 92-97) for a detailed description of the objectives and components of the PAININ).

135. Coordination is being done by the Interinstitutional Technical Commission (CTI), which includes more than nine government agencies for the execution of the pilot programme "Network of Integral Care for Children and Adolescents in Extraordinary Situations and their Reinsertion into the Educational System", that is intended to deal with children under 14 years in the urban area of Managua whose socioeconomic situation creates conditions of marginality. This programme includes assistance to parents, grants for school and technical

vocational training, and health care, sports and artistic and cultural activities. The objective is to improve the living conditions of the family unit, giving priority to children.

(c) Legislative adjustments

136. The National Commission for the Promotion and Defence of the Rights of the Child gave the impetus for the process of legislative reform, especially through the proposal for the Code on Children and Adolescents, which was introduced by the Executive Power in the National Assembly in November 1996, by the Commission of Justice of the previous National Assembly. This draft is under consideration by the Commission of Justice and the Permanent Commission of the National Assembly on Women, Children, Juveniles and the Family and will then be presented in the plenary.

137. This Code incorporates a new approach in the legal treatment of the question, and as well as filling a gap in legislation or clearing up legal inconsistencies, it opens the way to a new juridical culture, in which the application and understanding of the rules are not just the responsibility of the judicial circles but become the best interest of the Nation and as such a matter for each and every one of the inhabitants of the Republic. It also addresses the concerns expressed in its final observations by the Committee on the Rights of the Child on the most fundamental and sensitive issues of special protection, the administration of specialized justice, child labour, sexual exploitation and abuse, and social discrimination.

138. In the same line of approach, the National Commission has coordinated with FONIF an exhaustive revision of the Adoption Act, covering its administrative procedures, including the procedure for applications to be heard under the powers conferred upon it by article 11 of the Act by the Adoption Council, in which the Commission participates as a member. This revision is being carried out in order to formulate the regulations in accordance with the mandate of the law.

139. A draft law has also been proposed to create a National Commission on Children and Adolescents.

(d) Interinstitutional commissions

140. As part of its action, the National Commission for the Promotion and Defence of the Rights of the Child plays an important role in promoting joint actions between Government and State bodies and between these and non-governmental organizations, favouring participation in co-responsibility with all sectors of Nicaraguan society. In 1996, a preliminary draft of an executive decree on proposals to change the role and functions of the Commission was submitted to the National Assembly, but due to the change of Government this draft has not been examined.

141. The Commission coordinates different commissions for the integral care of children with specific problems; these include:

(i) The Interinstitutional Technical Commission, which is intended to follow up the actions executed in the framework of the Pilot

Programme for the Network of Integral Care for Children and Adolescents in Extraordinary Situations and their Reinsertion into the Educational System.

(ii) The Commission for the Prevention and Treatment of Child Sexual Abuse, whose purpose is to bring together actions for the design and monitoring of the Interinstitutional Model of Prevention and Treatment of Sexual Abuse of Girls and Adolescents.

(iii) The Commission for Support to the Juvenile Penal Population, whose objective is to improve the living conditions of young people of 15 to 18 years who have been deprived of their liberty.

142. The National Commission also participates in the Administrative Council of the Nicaraguan Fund for Childhood and the Family (FONIF), which is composed of seven institutions including governmental and non-governmental agencies and a private enterprise. It has the objective of monitoring and controlling the use of funds, approving programmes and projects and authorizing their operation. It also participates in the National Council for the Integral Care of Children with Disabilities so as to provide integrated responses in this sector, and in the National Adoption Council.

(e) Communication and social mobilization fora and activities (1996-1997)

143. The mechanisms of participation promoted by the Commission, in conjunction with the Coordinating Body for Non-governmental Organizations Assisting Children, the Nicaraguan Fund for Childhood and the Family, the Nicaraguan Institute of Municipal Development, the Ministry of Education and the Ministry of Health, have led to a process of knowledge and awareness of the rights of children in various social sectors. The following activities have been carried out:

(i) In 1996, 21 workshops were held on the national policy of integral care for children and adolescents and the Code on Children and Adolescents, with the aim of making known the objectives of these instruments and permitting their appropriation by the participants. These include the national police, deputies in the National Assembly, students and teachers, associations of social workers, lawyers and volunteers working with children, the municipal commissions on children, the Ministry of Health and the Nicaraguan Fund for Childhood and the Family.

(ii) With the support of governmental and non-governmental organizations working with children and international agencies, a first National Forum on "Social Policy and the Rights of Children and Adolescents" was organized in October 1996 and attended by 224 people delegated by more than seventy institutions. The objective of this event was to generate a process of reflection, awareness and appropriation by Nicaraguan society of the need to guarantee the rights of children and adolescents as the best interest of the Nation and a step in the development of a democratic and lawful society, making known the policy instruments and legal framework devised for this purpose.

(f) Publications

144. The following publications were produced in 1996:

(i) The draft Code on Children and Adolescents;

(ii) The National Policy of Integral Care for Children and Adolescents;

(iii) Diagnosis of children in especially difficult circumstances in the city of Managua;

(iv) Targets for Children: Advances and Challenges for the Year 2000 (Mid-Decade Report);

(v) Code and policy on children and adolescents (popular version);

(vi) Proceedings of the First National Forum on Social Policy and the Rights of Children and Adolescents;

(vii) National Plan of Action for Children and Adolescents, 1997-2001;

(viii) Development of Indicators for Monitoring the Convention on the Rights of the Child.

(g) Participation in international events

145. As part of its function of giving effect to its international commitment on the rights of the child, the National Commission was invited to take part in some very important international events on action in favour of children; the most important of these were:

- The Regional Conference on the Impact of Armed Conflicts on Children (Bogotá, Colombia, 1996)

- The World Congress Against Commercial Sexual Exploitation of Children (Stockholm, Sweden, 1996)

- Sub-regional course workshop on "Social Indicators and the Indicators of Poverty" (Tegucigalpa, Honduras, 1996)

- Presentation of Progress Report on the Rights of Children to the Sixth Meeting of Wives of Heads of State and Government in the Americas (La Paz, Bolivia, 1995)

- Exposition of the content of the policy and Code on Children and Adolescents at the Central American Meeting on the Rights of Children and Adolescents in Central America: Legislation and Social Policy (San José, Costa Rica, 1996)

- Invitation to the Human Rights Institute (IDH) to direct a workshop on Gender and Legislation as an input for the elaboration of the Code on Children and Adolescents with a gender perspective (Nicaragua, 1996)

5. International cooperation agencies supporting the National Commission for the Promotion and Defence of the Rights of the Child

149. For the development of the work carried out by the National Commission, financial support has been received from the following international agencies: the United Nations Children's Fund (UNICEF), the Norwegian Agency for Development (NORAD), the Inter-American Development Bank (IDB), the Fund for the Care of Children (FAN), Members of the Alliance (ICSA) and the European Union (EU); this information is detailed in the next paragraph.

I. Amount of external cooperation for children

150. The two institutions that have presented the amount of external cooperation in their programmes and projects updated to the time of the preparation of this report are the Nicaraguan Fund for Childhood and the Family (FONIF) and the National Commission for the Promotion and Defence of the Rights of the Child. The two tables presented by the Fund and the National Commission, in which the names of the foreign or national agencies and the amount of funding are given, may be consulted in the archives of the Secretariat.

J. Cost of the National Plan of Action for Children and Adolescents

151. The following table from the National Plan of Action for Children and Adolescents (1997-2001) reflects the cost of the plan with data on some programmes and the manner in which international financing has evolved.

Budget situation and funds required by components to meet targets
(thousands of US$)

Components	Total cost of programmes and/or projects	Existing funds (US$)		Required funds (US$)
		Internal funds	External cooperation	
Health and nutrition	102,447.20	n.d.i.*	70,243.60	32,203.60
Education	197,285.51	11,830.91	170,815.70	14,368.90
Water/ sanitation	250,500.20	n.d.i.*	80,862.80	169,637.40
Rights of children and adolescents	4,360.00	-	1,360.00	3,000.00
Children and adolescents in situation of social risk	30,528.56	9,875.87	17,994.29	2,658.40
Gender equity/women	14,512.30	1,027.60	8,391.10	5,093.60
Total	599,633.77	22,734.38	349,667.49	227,231.90

* n.d.i. : Internal funds not defined by the institution.

152. From the above table it will be seen that 37 per cent of the total cost of the National Plan of Action has no financing; it will therefore be necessary to

review each institution and ministry internally to make the necessary adjustments to budgets and to approach international agencies to try to obtain the necessary financing.

153. In 1993, when the initial report of Nicaragua (CRC/C/3/Add.25) was finalized, an important part of the national budget for children was coordinated in its execution by the Ministry of Social Action; there is at present a proposal to create a Ministry of the Family that would centralize the budget relating to children and adolescents.

K. The State party and civil society

154. One of the recommendations of the State party in its initial report on relations between the State and civil society was to strengthen the National Commission for the Promotion and Defence of the Rights of the Child. The Committee on the Rights of the Child expressed its satisfaction at the relations between the Coordinating Body for Non-governmental Organizations Assisting Children and the National Commission, mentioning this as a factor facilitating implementation of the Convention and the development of joint plans to achieve greater efficiency in the situation of children (CRC/C/15/Add.36, paras. 5-6). Advances in this respect are reflected in the period 1994 and 1996 in which joint plans and social communication initiatives and actions were carried out at the national and local level.

155. In earlier sections we have described the actions of greatest relevance having to do with the National Plan of Action, the elaboration of the policy of integral care and drafting of the Code on Children and Adolescents which brought together the Coordinating Body for Non-governmental Organizations Assisting Children, the Network of Mayors and government institutions in the Interinstitutional Technical Commission.

156. In the records of the Nicaraguan Fund for Childhood and the Family it is noted that national activities are being carried out in conjunction with civil society, such as celebration of National Children's Week, the seventh anniversary of the Convention on the Rights of the Child, and departmental meetings of the Nicaraguan Fund for Childhood and the Family with representatives of civil society in most of the Fund's departments.

157. The National Commission in 1997 prepared a plan for the dissemination of the second report of Nicaragua to the Committee on the Rights of the Child, which was published on 20 November to mark the seventh anniversary of Nicaragua's ratification of the Convention.

The importance and role of the Coordinating Body for Non-governmental Organizations Assisting Children

158. The Coordinating Body is an institution of civil society that is internationally recognized and a representative was invited to attend the Committee on the Rights of the Child to give its views on the situation of children and compliance by the State party with its commitments under the Convention. In view of this, we are only updating the most important facts about its relation with the State and its priority actions:

(a) In 1994, the Coordinating Body and the National Commission for the Promotion and Defence of the Rights of the Child presented the observations and recommendations of the Committee on the Rights of the Child to Nicaraguan society in a document entitled "Nicaragua, First Report on Monitoring of Compliance with the Convention on the Rights of the Child, National Commission for the Promotion and Defence of the Rights of the Child-Coordinating Body for Children";

(b) On the basis of this effort, the participation of the Coordinating Body on NGOs then concentrated on two priority tasks: the elaboration of the draft Code on Children and Adolescents and the policy of integral care for children and adolescents and its Plan of Action;

(c) The Coordinating Body has been invited to be part of the Technical Committee of the Programme for the Integral Care of Nicaraguan Children (PAININ);

(d) Recently, the Coordinating Body has been invited to be part of the National Commission for the Progressive Eradication of Child Labour.

L. Measures to promote the participation of children

159. Among the initiatives guided by the State at the local level to stimulate the participation of children, as contained in the report sent by the Nicaraguan Institute of Municipal Development, the following deserve to be mentioned:

(a) The holding of children's assemblies as a forum for communication between children and municipal governments is an innovative and increasingly widespread way of bringing the local powers closer to the needs and expectations of children who, as members of the population, must be consulted and taken into account;

(b) The election of children's mayors and municipal councils has been another method used but one that has more limitations. It is hoped to progress from a merely symbolic election to something more transcendental involving larger numbers of children which will develop their ability to make proposals and take action;

(c) Actions have been undertaken to arrange for children to visit the National Assembly to advocate their rights and the importance of the adoption of the Code on Children and Adolescents.

(d) The existence of student governments to which children and adolescents are elected is another form of participation generated by the Ministry of Education.

Student governments

160. The creation of student councils in the different fields of national education is a brilliant idea to stimulate relations between families, schools and community as active agents in society. These bodies work mainly on projects of tree-planting and school upkeep, as well as instilling patriotic values based

on the decalogue of development. The aims of the student councils can be summed up as follows:

(a) To show respect and love for the country and its values so as to build democracy;

(b) To develop appreciation of the democratic system as a form of government and way of life in their families, communities and society;

(c) To apply their knowledge, abilities and skills in cooperative and self-managed activities that translate into practice the concepts of peace, freedom, the common good, equality, solidarity and respect for human dignity;

(d) To be committed to carry out the duties and rights they are called upon to assume in the framework of a democratic society;

(e) To commit themselves to search for solutions to environmental problems in their community;

(f) To be creative, critical and self-critical in the analysis and resolution of student and social problems that hamper the consolidation of democracy;

(g) To defend the legal framework in Nicaragua that governs the daily life of citizens and democratic coexistence;

(h) To respect and promote respect of the central authorities, school legislation and the provisions and directives of the Ministry of Education;

(i) To defend the integrity of the nation and develop programmes that strengthen national sovereignty and demand good teaching and learning from students and educators.

161. The participation of children in the process of consultation on the Code on Children and Adolescents and on policies was also supported by the State in coordination with the Coordinating Body for NGOs. Participation in schools for parents, school canteens and recreation programmes is also being promoted in the programmes of the Nicaraguan Fund for Childhood and the Family. There has also been mobilization to commemorate the Convention and programmes and projects that have embodied the participation of children as their main approach, in the spirit of the Convention.

V. DEFINITION OF THE CHILD

162. In the process of drafting the Code on Children and Adolescents, the difference between a child and an adolescent was established, and in accordance with the Convention, the age of 13 years was taken as the cut-off age for children and 18 years as the upper limit of adolescence.

163. Both the National Commission for the Promotion and Defence of the Rights of the Child and the Coordinating Body for Children and different Government agencies have initiated a process of policy and programme definition that takes

into consideration the age groups defined in the Convention. Although the Protection of Minors Act is still in force and the Code on Children and Adolescents has not yet been adopted, every effort has been directed towards analysing the situation of children and adapting legislation to the principles and definitions of the Convention. The delay in adopting the Code has had repercussions on the situation of children and adolescents in penal justice where they are presumed guilty and there are no appropriate legal instruments of defence.

164. "It is necessary to redefine who is a child and who is an adolescent in Nicaragua so as to establish a better orientation towards fulfilment of their rights and responsibilities as children and adolescents, as well as ensuring correspondence between these juridical categories and the specific norms for each case in regard to guarantees, freedoms and the specific measures established throughout the Code" (draft Code under discussion, exposition of rationale, paragraph 6).

165. The juridical elements that remain dispersed in Nicaraguan legislation relating to this age group are as follows:

(a) There is no legal provision establishing medical or legal assistance without parental consent; parents are the natural legal representatives of their children;

(b) Adolescents have only two ways of becoming independent before reaching the age of majority: emancipation (by their parents) and declaration of majority (a ruling demonstrating that they are capable of governing themselves), these being required before the age of 21 indicated in the Civil Code;

(c) The minimum age for work is established in the Labour Code at 14 years;

(d) For marriage, the Civil Code establishes that males of 15 years and females of 14 years may contract matrimony with the authorization of their parents, and males of 21 years and females of 18 years without their parents' authorization.

166. Criminal responsibility:

(a) Protection of Minors Act: minors under 15 years may not be charged. Penal Code: 15 years and upwards.

(b) The capital or death penalty does not exist. The maximum penalty under the Constitution is 30 years. Article 29 of the Penal Code establishes attenuating circumstances if the offender is under 21 years;

(c) To give evidence in civil and penal court proceedings, the judge only has to "authorize" the child;

(d) To appear in court as a plaintiff, the child must have legal representation or the court may appoint a guardian ad litem. In regard to the appearance of a child before the court in penal proceedings: (i) as a witness: the judge authorizes the child's appearance; (ii) if the child is the plaintiff

proceedings must be conducted through a legal representative or guardians; (iii) in criminal proceedings the child must prosecute through legal representatives but may give evidence if he or she is the victim of violence or any offence. In regard to civil proceedings, a child is represented by his or her parents or a guardian ad litem is appointed.

167. In the preliminary title of the draft Code on Children and Adolescents, entitled Fundamental Bases and Principles of the Code, the following points are indicated:

(a) The provisions are based on a concept of integral protection of the family, society, the State and private institutions;

(b) Children and adolescents are human beings;

(c) The age of 13 years is the cut-off age for children and 18 years for adolescents, defining the difference between childhood and adolescence;

(d) All children are social subjects and subjects of law;

(e) All children are free to exercise their rights without discrimination;

(f) The family is the basic unit for the development and welfare of children and adolescents;

(g) No child or adolescent may be the object of any form of exploitation;

(h) It is the duty of the State, the family and the community to ensure observance of the rights and guarantees relating to life, coexistence, health, food and housing, sport, recreation, culture, respect, freedom and protection.

VI. GENERAL PRINCIPLES

168. In general, constitutional provisions are applicable in regard to the principles of non-discrimination and the right to life, taking as reference the international agreements and treaties on human rights that have been signed and ratified by the country and incorporated into the domestic legal framework. It should be noted that the Constitution expresses in the preamble its respect for the principles of human rights and on this basis establishes in article 5: "Nicaragua adheres to the principles that constitute American international law sovereignly recognized and ratified".

169. With regard to the "best interest" of the rights of the child, there is no legal provision guaranteeing this; mention may be made of the Adoption Act of 1981, which establishes that adoption is "in the interest of the child". The Law Governing Relations between the Mother, Father and Children provides in article 6 for the possibility that the child be consulted as to which parent he or she wishes to live with.

170. Children and adolescents have participation in private or public educational centres through the student governments promoted by the Ministry of Education with the assistance of the Inter-American Development Agency. In each centre a model of the State with its powers is used and they take part in decisions as a form of education in citizenship.

171. The new Constitution of the Republic of Nicaragua promulgated in January 1987 establishes in article 27 the equality of all Nicaraguans before the law and prohibits discrimination for any reason whatsoever. In Chapter IV of Title IV the rights of the family are set out, the main foundations and principles being as follows:

(a) The family is the basic unit of society and is entitled to protection by society and by the State;

(b) Nicaraguans have a right to establish a family (article 71);

(c) Family relations are based on respect, solidarity and absolute equality of rights and responsibilities between the man and the woman;

(d) Parents must maintain the home and take care of the integral upbringing of their children in a common effort, with equal rights and responsibilities;

(e) It is the duty of children to respect and assist their parents;

(f) All children have equal rights. No discriminatory designations shall be used referring to filiation;

(g) In common legislation, provisions or classifications that diminish or negate the equality of the children shall be of no value;

(h) It is the duty of the State to create programmes and develop special centres to care for children, who have the right to the measures of prevention, protection and education required by their condition, from their family, society and the State;

(i) Elderly people have the right to measures of protection by the family, society and the State;

(j) The State protects responsible fatherhood and motherhood. The right to investigate fatherhood and motherhood is established;

(k) The right of adoption is established exclusively in the interest of the integral development of the child. This matter will be regulated by the law.

VII. CIVIL RIGHTS AND FREEDOMS

172. The Constitution (Title IV) and the treaties contained in article 46 of the Constitution are applicable to guarantee the following rights: (a) name and

nationality, (b) preservation of identity, (c) freedom of expression, (d) freedom of thought and religion, (e) protection of privacy, (f) access to relevant information, (g) the right not to be subjected to torture or cruel or inhuman treatment. With the condition that these are rights of all Nicaraguans in general.

A. Measures taken pursuant to the Committee's recommendation on the right to a name and nationality

173. The Convention on the Rights of the Child ratified by Nicaragua in 1990 provides in article 7 for the right to a name and nationality and the obligation of the State party to protect and re-establish if necessary the identity of a child if he or she has been wholly or partially deprived of it. The Convention also requires States to take the administrative, legal, economic and social measures to guarantee this right.

174. Nicaragua gave an indication in its initial report (CRC/C/3/Add.25) of the scale of the problem, reporting that according to data from the Nicaraguan Institute of Statistics and Censuses, the 1995 census showed that 45 per cent of children were not registered, the problem being worse in the rural sector. This has been a point of special interest which is taken up in the final observations of the Committee on the Rights of the Child, which states:

> "The Committee is concerned about the continuing difficulties encountered in ensuring the birth registration of children, particularly at the rural level. The registry of all children is necessary, in particular, to ensure their recognition as persons before the law and the fuller enjoyment of their rights and, in general, to facilitate the effective monitoring of the situation of children and thus assist in the development of suitably appropriate and targeted programmes" (CRC/C/15/Add.36, para. 16).

175. UNICEF, in close coordination with the Supreme Electoral Council and the Nicaraguan Institute of Municipal Development, has promoted various actions related to this problem that many children have not been registered with the civil registry. These actions and efforts have been carried out since 1995 with the aim of guaranteeing children the right to a name and nationality, and addressing the recommendations of the Committee on the Rights of the Child. These efforts have resulted in the "Collaboration agreement between UNICEF and the Supreme Electoral Council on the right to a name and a nationality", signed in July 1990. Its legal basis is the Convention on the Rights of the Child ratified by Nicaragua in 1990, which refers in article 7 to the right to a name and nationality and the obligation of States parties to protect and re-establish a child's identity where he or she has been wholly or partially deprived of it. UNICEF has promoted the effort to organize the registration of children and provided technical and financial support since 1995.

176. The Supreme Electoral Council has carried out pilot studies on the problem and has undertaken actions to train registrars and identified actions that might facilitate registration once the limitations still contained in our legislation have been eliminated. Among the actions proposed by the Council, the following may be mentioned:

(a) The proposal for the capital that the Municipal Authority in coordination with the Ministry of Health should establish a registration service in the hospitals;

(b) Another proposal is that the awareness - civic education - civil registration campaign initiated by the Supreme Electoral Council should be strengthened;

(c) The Nicaraguan Institute for Municipal Development has promoted efforts that had been discontinued in eight municipal authorities.

177. The two most important actions incorporated into the recent agreement have to do with creating awareness among all the social structures and protagonists involved, and reforms to the legislation currently in force.

B. The Adoption Act

178. General points:

(a) Only allowed for children abandoned, in the broadest sense;

(b) Reduces the age of the adopters;

(c) It is no obstacle if the adopters have children of any kind;

(d) An administrative procedure for adoption is established, through the Adoption Council, to ensure the best home for the child;

(e) The contractual aspect is eliminated;

(f) Civil registry certificates are issued without any mention of the fact that the child is adopted;

(g) The adopted child is considered the child of the adopters with all effects;

(h) Adoption is irrevocable and may not be terminated by agreement between the parties.

179. Adopters are required:

(a) To be at least twenty-five years of age and not more than forty;

(b) To possess the economic and social conditions and affective and moral qualities to make them suitable to responsibly assume the function of parents;

(c) To adopt jointly as spouses or partners in the case of stable unions, except where there is legal or de facto separation or one of the spouses has been declared absent;

(d) To be at least fifteen years older than the adopted child. This age difference shall not apply when the child adopted is the child of one of the partners.

180. Adopted persons: According to article 8 of the Adoption Act, children under fifteen may be adopted in the following cases:

(a) When they have no father and mother;

(b) When their parents are not known;

(c) When they are abandoned;

(d) When parental authority over them has been extinguished;

(e) When they are the children of one of the members of the couple or de facto union.

181. Young people over the age of fifteen and under twenty-one may be adopted in two cases:

(a) When they have lived for at least three years with the adopters before reaching that age and maintained an affective relationship with them;

(b) When they have been in a public or private centre of education or protection and are the children of one of the partners.

182. Adoption procedure: this consists in two parts, an administrative part and a judicial part; the procedure is initiated by the administrative route which we shall describe below.

(a) The Adoption Act created the National Adoption Council, a body dependent on the Ministry of Social Welfare, which will implement policies on adoption, express opinions on them, carry out bio-psycho-social investigations and any other studies necessary to fulfill their objectives; this first stage of the procedure is centralized;

(b) Article 12 establishes that the Council is constituted by the Ministry of Social Welfare and composed of the Director of the Centre for Legal Guardianship of Minors, who is the coordinator, a representative of the children's programme of the Ministry of Social Welfare, a representative of women's organizations and a representative of youth organizations. It is important to note that at present the National Adoption Council does not have this composition; in practice, for example, the National Commission for the Promotion and Defence of the Rights of the Child is on the Council although this is not expressly stipulated by the Act. Moreover, the governing body on adoption policies is the Nicaraguan Fund for Childhood and the Family (FONIF). This is the result of the fact that the Adoption Act has been in force since 1981 and needs to be reformed to bring it in line with reality.

183. To advise the Council an interdisciplinary technical team has been created to support its resolutions. A Council resolution is required for the judge to initiate procedures for adoption by the judicial route. In the process of

adoption before the judge the parties involved are the adopter or adopters, the civil procurator, the coordinator of the Adoption Council as the organ of the Nicaraguan Fund for Childhood and the Family, the parents in cases where there are links with the biological family, with one of the adopters and the guardians, where these exist.

184. While it is true that Nicaraguan legislation is recognized as modern and innovative, the adoption procedure has not become sufficiently rapid to respond to the existing demand for adoptions. The National Council is engaged in revision of the regulations and trying to make existing procedures more flexible.

185. There are important elements in the Convention on the Rights of the Child on the question of adoption which should be mentioned in regard to the regulation contained in this Act; these include the provision that States parties should ensure that in cases of adoption in another country, the placement does not give rise to undue financial benefits for those involved, and should guarantee in such cases that the placement is made through the competent authorities and bodies. This is perhaps the point of greatest interest in the monitoring contemplated in this chapter in regard to adoption. The Act provides that it is not only abandoned children who may be adopted, but also the children of one of the partners, children who have lived for three years with the adopters or children in protection centres.

VIII. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. The Nicaraguan Fund for Childhood and the Family (FONIF)

186. In Nicaragua the situation of most families is determined by their condition of extreme poverty; in most of these households the situation is aggravated by the fact that it is the woman who assumes responsibility for her children or siblings. In the FIDEG survey "Economic valuation of the work of Nicaraguan women" it was found that of the 738,968 Nicaraguan women interviewed, 241,785 were in extreme poverty, 223,544 in poverty and 273.639 were considered not poor. This situation and other sociocultural factors condition the situation of families in Nicaragua.

187. The Nicaraguan Fund for Childhood and the Family (FONIF) was created in January 1995 for the specific care and general protection of families and children in conditions of risk or survival strategies, and its fundamental objective is to promote and undertake social welfare programmes and projects, administer the resources, channel the execution of the Fund's activities and coordinate efforts with NGOs and civil society.

188. The Fund is an autonomous State agency whose highest authority is its Presidency; it is managed by an Executive Director, General Directorates, a Coordinating Body of territorial delegations and a Delegation for Managua. The network of territorial services consists of departmental delegations throughout the country and their respective area operations teams. Its resources come from an allotted percentage from the national lottery, contributions and financial resources from international and national agencies, and the budget allowance

assigned to it by the central Government from the general budget of the Republic.

189. The programmes and projects of the Nicaraguan Fund for Childhood and the Family are directed towards the most vulnerable sectors of the population, which are defined by criteria of extreme poverty, marginality and social risk. 80 per cent of the programmes and projects are for children from families at high social risk, although the Fund also cares for people with disabilities and elderly people in poverty.

190. The strategic areas addressed by FONIF are:

(a) Standard-setting and supervision: area involving the definition, implementation and verification of procedures, norms and methodology for intervention, regulating the functioning of assistance to children and families;

(b) Defence of the rights of children and adolescents: area responsible for the administration, guarantee and application of the provisions established in the legislation for the protection of children and adolescents in defence of their rights;

(c) Community social promotion: area responsible for the training and development of the family and community in the search for alternative solutions to psychosocial problems;

(d) Social communication: area responsible for educating and raising awareness in civil society and the Government regarding the strengthening of cultural values and positive attitudes in the family, and to children and adolescents;

(e) Institution strengthening: a continuous process aimed at improving the technical capacity of the FONIF team to provide assistance to children and families in a changing external environment. A permanent process to identify and develop viable financing alternatives that will ensure the sustainability of FONIF programmes and projects.

1. <u>The Protection of Minors Act and the main laws administered by FONIF</u>

191. In 1995 a survey of the situation in FONIF was carried out and identified the most relevant aspects of its nature, objectives and functions and the main institutional obstacles to the fulfilment of its objectives. FONIF is now conditioned by certain organizational and functional characteristics since it is one of the agencies that it is proposed should form part of the Ministry of the Family planned by the present Government as part of the reforms initiated in 1997. Since 1995 the Fund has been defining aspects of its mission and vision and has drawn up a five-year plan in line with its objectives for the work of protection and prevention among children in survival conditions.

192. With the new draft of the Code on Children and Adolescents, adjustments will have to be made, mainly in regard to the functions of FONIF relating to certain specific laws such as the Protection of Minors Act, the Adoption Act, the Maintenance Act and the Law Governing Relations between the Mother, Father and Children, and in regard to the work of certain programmes and projects at

present under its responsibility that will have to be taken on by other institutions or instances. In everything to do with the Convention on the Rights of the Child, FONIF has carried out important training programmes among the delegations and local management units that are the basis for all work to assist the population. Considering that it is of great importance for the Committee on the Rights of the Child to have information on the mission of FONIF and its main activities, a detailed report on the work of the Fund, its main programmes and its position in relation to the laws currently in force pending the adoption of the Code on Children and Adolescents is given below.

2. Main programmes of FONIF

(a) Substitute homes

193. The general objective is to give special protection to boys and girls from 0 to 18 years in situations of social risk, who are unable for various reasons to stay with their natural parents, providing a family rather than an institutional response, preferably in their place of origin so as not to remove them from their cultural environment.

(b) Programmes of child development centres

194. The objective is to provide prevention and protection for children from 45 days to 6 years of age through child development centres by providing assistance for their physical and psychosocial needs, such as education, health, nutrition and recreation. FONIF works closely with parents and civil society to make use of the potential of existing resources.

(c) Placement centres

195. The objective is to provide special protection in placement centres to children from 0 to 18 years who are living in irregular situations, in accordance with the mandate of the Convention on the Rights of the Child.

(d) Protection homes

196. Protection homes provide care for children and adolescents who are admitted for various reasons, such as abandonment, ill-treatment and family rejection. There are 38 protection homes in the country. FONIF subsidizes 31 homes, of which 29 are private children's homes and one is for children with disabilities (Fuerza y Futuro), and three institutional homes (Centro Rolando Carazo, Pajarito Azul and Hogar Zacarías Guerra), and also carries out technical support activities, advising on methods and standards through inspection visits, meetings with parents and training. The Fund's role is to coordinate efforts with the various sectors involved in the care of children and adolescents who require protection.

197. One of the major advances in this programme is the standards developed with the support of UNICEF, non-governmental organizations and the contributions of the teams at the placement centres, which have been published and have come into force, and are based on the Protection of Minors Act and the spirit of the Convention on the Rights of the Child. With the publication of these standards,

the Hogar Zacarías Guerra has promoted, with funds from the donor agency "Plan International", a programme for the integral care of children in placement centres.

(e) Children's canteens

198. In these canteens meals are given to children between 45 days and 6 years and working children up to the age of 18 from families in precarious socioeconomic conditions. They are mostly promoted and administered by the community and receive food through the World Food Programme (Programme FONIF-PMA/4515) and organizational support from FONIF.

(f) Programme of assistance to child and adolescent workers

199. The objective is to bring children and adolescents into the programme, providing support to those working in the streets and initiating with them a conscious and planned process of participation with their families in various different activities.

(g) Let's think of the cinema

200. This was a project executed in coordination with the National Cinema Archive of Nicaragua. The activities carried out in the course of the project were forty-one Sunday sessions with the participation of 60 children in each, 14 cinema debates and 14 special sessions with an average of 200 participants at each function. This programme made a big impact both in terms of its coverage and the appreciation of the children who took part. Before this programme, this form of recreation had only been encouraged independently by non-governmental organizations or in conjunction with the Coordinating Body for Non-governmental Organizations Assisting Children.

(h) Psychosocial care, maintenance and family guidance

201. The objective is to provide assistance with the psychosocial problems presented by the assisted population so as to come up with a response that will be beneficial for the children and their families. FONIF does this work through local delegations, with preventive actions at the territorial level, working with families and the community and through case work.

(i) Community-based rehabilitation programme

202. Under this programme the different management units of FONIF carry out care and recreation activities with children with disabilities and also with adolescents and young people (see also para.).

(j) Priority areas of work

203. In the conclusions to a survey of the situation of FONIF carried out in 1996 and financed by Redd Barna in the departments of León, Chinandega, Carazo, Granada, Rivas and Masaya, the following were defined as priority areas for work with children:

(i) Violence and child prostitution in Chinandega;

(ii) Work on inhalants in Granada;

(iii) Work in the Sapoa border area with child workers;

(iv) Work with families and children with disabilities in Chinandega, León and Granada;

(v) School for parents and models of parenting to implement a national training strategy;

(vi) Social promotion in Carazo;

(vii) Social communication;

(viii) Stimulation of promoters.

(k) Information on FONIF for the first semester of 1997

204. In 1997, the data in the report presented by FONIF show the following levels of coverage of the child population in its main programmes:

(i) 116,429 children aged 2-6 years in 2,139 children's canteens;

(ii) 3,930 children of whom 1,357 received early stimulation and 2,573 pre-school care. Average attendance was 1,996 children at 12 subsidized centres and 1,934 children at 17 institutional centres;

(iii) 1,909 children were assisted in various ways and for various reasons, classified as follows: 565 abandoned, 278 for ill-treatment and 242 for reasons of extreme poverty;

(iv) FONIF subsidizes 33 of the 50 registered protection centres;

(v) 7,034 child workers received support;

(vi) 2,050 children were placed in 1,535 substitute homes. The most relevant causes were abandonment, ill-treatment, orphans, rape and vagrancy.

Protection of Minors

205. The following actions were taken in accordance with the Protection of Minors Act:

(i) Resolutions authorizing adoption: 95;

(ii) Admissions to various centres: 112;

(iii) Presentation of children to parents in the process of adoption: 19;

(iv) Analysis of cases and decisions on divorce: 239;

(v) Transfer of 18 adoption cases, now following the judicial procedure;

(vi) Legal advice: 580;

(vii) Attestation of migration: 11.

206. In the field case work was done with 8,071 children, involving 5,243 actions and 5,244 adults, as follows:

(i) Family guidance: 1,987 children in 1,276 cases;

(ii) Maintenance allowances: 1,574 new cases, involving a population of 2,681 children;

(iii) Psychosocial problems: for reasons of abandonment, ill-treatment, vagrancy, etc., 2,032 cases involving 3,403 children were dealt with. The alternatives and/or responses were: substitute homes (310 children) and centres (148 children), while 1,065 children returned to their biological homes.

(iv) 5,243 actions were carried out, including 1,807 domiciliary visits leading to the return to their families of 1,065 children, 2,132 verifications of allegations, 894 social reports, 369 social studies and 41 proceedings for adoption, involving 41 children;

Community-based rehabilitation

207. 1,873 persons were assisted - 686 children and 1,187 adults - all with residual disabilities; they were integrated into different forms of pre-vocational schemes, cultural and recreational activities, and given training on disability, self-esteem and healthy living. Support committees were also formed for the various community activities, comprising parents and supported by related bodies such as Los Pipitos (Association of Parents of Disabled Children), the Ministry of Education and the Ministry of Health. 417 actions were carried out, related to 264 follow-up visits, 35 training sessions, 98 organizational meetings attended by 453 persons from the community to plan and execute the plans of work of the programme, and 20 cultural recreational activities, with the participation of 545 children and 183 adults.

Organizations supporting the programmes and projects executed by FONIP
(first semester of 1997)

Name	Programme supported	Type of support
Redd Barna (Norway)	Project for the social promotion of substitute homes and CEPORSE	Monetary
UNICEF	Child and Adolescent Worker Programme, and other technical programmes relating to children	Technical Monetary

Name	Programme supported	Type of support
Evangelical Church	Child workers and PNT Manuel Hernández, Jinotepe Herck-Switzerland	Monetary
CANSAVE	Assistance to pre-vocational workshops in Managua and Chinandega	Monetary
EEC	Project "Ensuring respect for children's rights"	Monetary
UN	Project PMA 4515	Material
European Union	Chavalero project	Monetary
Plan internacional	Child and adolescent workers in Carazo	Monetary
Rädda Barnen (Sweden)	Community promoters	Monetary
SYD Swedish Forum	Community-based rehabilitation (CBR) programme, Léon. Counselling and physiotherapy for disabled persons	

Government agencies working in coordination with FONIF

Name	Programme supported	Type of support
Ministry of Health	CBR programme, elderly, CDI, etc.	Coordination of organizational meetings, training, other
Mayors	CBR programme, elderly, child workers	
Ministry of Education	Child workers, CBR, etc.	
Los Pipitos	CBR programme	
Commissariat for Women	Case work	
National Technological Institute (INATEC)	Child workers programme	
Police	Case work, child workers, etc.	
IMPRU	Child workers programme	
Red Cross	CBR programme, case work, NNCED	
Nicaraguan Institute for Women (INIM)	Case work	
Civil courts	Case work	
PROFAMILIA	Programme of children in CED and families	
Commission on Children	Case work	
CAPRI	Programme of substitute homes	

IX. BASIC HEALTH AND WELFARE

208. With a view to reducing infant mortality rates and improving indicators for childhood diseases, the Ministry of Health has initiated a process of change to an integral approach, to try to ensure that children receive comprehensive care irrespective of the reason for consultation, so as to maximize services. This new model of care must be signalled as an advance in health policy: the integral care of women and children supersedes the traditional "maternal and child" approach to care, ceasing to treat women and children as subjects of rights; in this model there are new components, including "adolescents and children in difficult situations". As part of these changes a series of studies and adjustments were carried out, including adolescents as a priority, strengthening programmes for the disabled and developing extensive participation of the Ministry of Health in the child workers programme that is being carried out in Managua under the coordination of the National Commission for the Promotion and Defence of the Rights of the Child.

A. Infant and child mortality from 1 to 4 years: a priority of the Ministry of Health

209. Infant mortality in Nicaragua is based on data from the Family Health Survey of 1992/93 and regular information from the Ministry of Health compiled by the General Directorate of Information Systems and the National Statistics System. Estimated at 58.2 per thousand live births, it shows a steady decrease over the last ten years, mortality for the five-year period 1972-1977 having been estimated at 93 for every thousand live births. As a result, mortality among children under 5 years has also shown a marked decrease over these years, with estimates falling from 132 to 72 deaths per thousand births, according to the PROFAMILIA survey of 1992/93.

210. This reduction in mortality has been brought about with the help of a series of child care actions such the control of diarrhoeal diseases, acute respiratory infections, and especially vaccine-preventable diseases, as well as the increase in health coverage that has taken place in the last ten years. Nevertheless, Nicaragua is one of the countries with the highest child mortality rates in the WHO Region of the Americas and it is therefore planned to implement a new strategy entitled "Integrated Care for Diseases Prevalent in Childhood" presented by PAHO/WHO and UNICEF.

211. This strategy uses an integrated approach to the care of children who consult the health services, rationalizing the assessment, classification and treatment of disease and enabling health personnel to detect and adequately treat children's most common health problems at an early stage, as well as dealing with the more serious problems. This strategy also offers guidance and education to parents or those responsible for the care of children on adequate care in the home and the prevention of diseases.

212. The activities of the strategy are aimed at the following objectives:

(a) Reducing mortality from diseases prevalent in children under 5 years, especially pneumonia and other acute respiratory infections, diarrhoeal diseases, vaccine-preventable diseases, malnutrition and other serious diseases such as sepsis and meningitis;

(b) Reducing the occurrence and seriousness of cases of prevalent diseases;

(c) Improving the quality of the care of cases of childhood diseases both in the health services and in the community.

The methodology of treatment comprises two elements: (i) the assessment and classification of diseases common among the poorest sectors such as earache, pneumonia, diarrhoea, lack of food, etc., and (ii) education of the family to deal with diseases.

213. This strategy has the support of a committee composed of PAHO/WHO, UNICEF, World Bank, the European Economic Community and USAID, and is coordinated by the General Directorate for Integral Care of Women and Children of the Ministry of Health.

B. Expanded Programme on Immunization

214. This programme is considered to have attained a high level of fulfilment of the targets proposed for coverage and the reduction of vaccine-preventable diseases; its results at present are as follows:

(a) Immunization coverage of 98 per cent of children under 15 years;

(b) Epidemiological surveillance consolidated in accordance with observations made in the external assessment of the surveillance system last year;

(c) 55 months without deaths anywhere in the country;

(d) For three years the measles virus has no longer been in circulation in the country.

215. With regard to the elimination of neonatal tetanus, substantial achievements can also be claimed, including:

(a) Occurrence of 1 case for every 160,000 live births in 1996;

(b) No case recorded in 1997, so that the indicator of less than 1 case per 1,000 live births has more than been met;

(c) High levels of DPT (diphtheria, pertussis and tetanus) immunization coverage among children under one year;

(d) High levels of tetanus toxoid coverage among women of child-bearing age;

(e) Continued strengthening of epidemiological surveillance for the eradication of poliomyelitis.

216. The Government of Nicaragua finances 77 per cent of the activities of the Expanded Programme on Immunization, and 100 per cent of the costs of vaccines

and syringes has been met for the last three years by the Ministry's budget, with cooperation agencies providing complementary financing for training, social promotion and the cold chain.

C. Balance of the sector in regard to the National Plan of Action for Children and Adolescents, 1997-2001

217. The following are some of the indicators and targets for the year 2000 requested by the Committee on the Rights of the Child in its general guidelines on the health situation of the population, which are contained in the Plan of Action. The percentage of mortality from diseases prevalent among infants under 1 year and children of 1 to 4 years in relation to the targets for the year 2000 was as follows:

(a) For diarrhoeal diseases, 15 per cent for infants under 1 year and 20 per cent for children of 1-4 years;

(b) For acute respiratory diseases, 5 per cent for children under 5 years and 10 per cent for children of 1-4 years;

(c) For nutrition, a reduction of 50 per cent from the levels of severe and moderate malnutrition recorded in 1990 among children under 5 years.

Situation in 1996	Target for 2000
For children of 1 to 4 years	
3 per cent overweight	2 per cent
59 per cent in normal range	64 per cent
26 per cent in malnutrition	24 per cent
12 per cent malnourished	10 per cent
For children under 1 year	
3 per cent overweight	2 per cent
59 per cent in normal range	83 per cent
12 per cent at risk of malnutrition	10 per cent
6 per cent malnourished	5 per cent

Nutrition and breast feeding

218. The most important targets relating to child survival, protection and development for the year 2000 are as follows:

(a) To reduce, as compared with 1990, the mortality rate for children under five years by one third or to a level of 70/1,000 live births if that is a greater reduction;

(b) To reduce the maternal mortality rate by 50 per cent compared with the level for 1990;

(c) To reduce the rate of severe and moderate malnutrition among children under five years by 50 per cent as compared with the 1990 level;

(d) To provide access for all to safe drinking water and sanitary excreta disposal services;

(e) To ensure that at least 80 per cent of children of primary school age have access to basic education and complete primary school;

(f) To reduce the rate of adult illiteracy to at least half the level recorded in 1990 (each country will determine the age group covered), paying particular attention to literacy among women;

(g) To provide protection for children in especially difficult circumstances, particularly in situations of armed conflict.

219. The targets relating to nutrition that complement the above are as follows:

(a) Reduction by 50 per cent of the levels of severe and moderate malnutrition recorded in 1990 among children under five years;

(b) Reduction of the rate of low birth weight (2.5 kg or less) to less than 10 per cent;

(c) Reduction by one third in the levels of iron deficiency anaemia recorded among women in 1990;

(d) Virtual elimination of iodine deficiency diseases;

(e) Virtual elimination of vitamin A deficiency and its consequences, including blindness;

(f) Get all women to breast feed their babies for four to six months and continue breast feeding with the addition of complementary foods until well into the second year;

(g) Institutionalization of the promotion of growth and regular supervision in all countries by the end of the 1990s;

(h) Dissemination of knowledge and support services to increase food production so as to guarantee family food security.

D. Progress

220. In regard to the target for the encouragement of breast feeding, Nicaragua has taken very significant action to fulfill this since it has undertaken a series of actions for the protection, promotion, encouragement and continuation of breast feeding. Nicaragua has an interinstitutional, multisectoral and multidisciplinary national Commission on breast feeding whose objective is to help to promote breast feeding from within these various spheres of action and influence. This Commission is backed by Presidential Decree 44-95 establishing the National Commission for the Promotion of Breast Feeding, of 29 June 1995.

The Ministry of Health has issued Ministerial Resolution No. 54-94 granting women health workers favourable conditions for breast feeding their babies. The "Baby-and-mother-friendly Hospitals" initiative, which started with the findings of the study on "Hospital practices that help or interfere with breast feeding", has developed so that we now have eight nominated hospitals.

X. EDUCATION

221. The report of the Ministry of Education is based on an analysis of the situation of children in Nicaragua, recognizing that the problems of children and adolescents are not the exclusive responsibility of the State but of society. The document deals with the legal institutional framework, the main programmes, objectives and targets of education in Nicaragua and the most important indicators, namely, the rate of illiteracy, the number of teachers, school dropout, school attendance, pre-school education, children with access to pre-school education, the bilingual cultural programme, the special education programme, children with access to secondary education, data on academic performance, and training on the Convention.

222. In 1997, the Ministry of Education enrolled 1,229,594 pupils in 9,281 educational centres with 30 112 teachers in its different programmes. The Ministry's report emphasizes six aspects which are analysed below.

A. Targets of the new education in Nicaragua

223. The targets of the new education are as follows:

(a) To increase the coverage of the pre-school education programme by 58 per cent, with an annual growth rate of 11.8 per cent;

(b) To increase the coverage of the primary education programme by 18 per cent, with an annual growth rate of 3.5 per cent;

(c) To increase the percentage of pupils graduating from grade 4E of primary education from 53.7 per cent in 1996 to 69 per cent in the year 2001;

(d) To increase the rate of completion of primary education from 28 per cent in 1996 to 40 per cent in 2001;

(e) To increase the coverage of the secondary education programme by 16 per cent with an annual rate of increase of 3 per cent;

(f) To reduce repetition in primary grades 1E and 2E by 6 per cent;

(g) To reduce illiteracy among the population aged 15 to 30 years from 24 per cent in 1996 to 19.5 per cent in 2001;

(h) To reduce rates of empiricism among teachers in the pre-school, primary and secondary education programmes from 34.75 per cent in 1996 to 22.25 per cent in 2001.

B. The statistical basis

224. This table reflects the statistical base of the Planning Directorate of the Ministry of Education which serves as the basis for the system to monitor the principal targets the Ministry is aiming to meet.

Programmes	1996	1997	Relative variation 1996/1997
Special	2,782	3,049	9.6
Pre-school	115,532	132,783	1.49
Primary	762,712	776,839	1.85
Secondary	233,410	255,662	9.53
Teacher training	6,586	5,579	-9.26
Adult education	60,586	55,682	8.78
Total	1,181,170	1,229,594	-4.1

C. The care of children and adolescents in especially difficult situations

225. The Ministry of Education is part of the Interinstitutional Technical Commission in which different ministries and non-governmental organizations participate. In this Commission the Ministry is represented by the Directorate of Primary Education, which, in coordination with the Nicaraguan Fund for Childhood and the Family, has promoted activities of training and stimulation and recreational and cultural activities.

D. Creation of a plan of action to rescue street children (Semáforos)

226. The main objective of this plan is to rescue 647 children exposed in the streets to various physical, sociological and moral risks. The work is directed to some 496 boys and 153 girls, of whom 75 per cent have no family ties and are living in public places; 60 per cent of them are not going to school and 80 per cent are living in difficult health conditions; some are using inhalants and have been arrested.

227. This plan concentrates its efforts on the provision of a temporary reception centre. This centre will have support from the Ministry of the Interior, the Nicaraguan Fund for Childhood and the Family and the Ministry of Education. The UCA and UNICA are expected to take part. The Ministry of Education will design special modules in three cycles that will take account of the characteristics and interests of the children and adolescents covered by the plan.

E. Selection of seven pilot schools for older pupils

228. The Ministry of Education with the technical and financial support of UNICEF has set up seven pilot schools for older pupils with three objectives: to train teachers in educational and psychosocial aspects, to prepare manuals and modules for teaching older pupils, and to promote cultural, civic and recreational activities. The Plan takes up the targets of the Plan of Action for Children and Adolescents, 1997-2001, and this involves far-reaching reflection on education as a social problem. National education is not only a matter for the Ministry of Education but for many other sectors and requires

effective coordination to promote socioeducational research, planning, programming, direction, administration, supervision, training, evaluation and control of human resources, material resources, furniture, equipment, libraries, laboratories, workshops, teaching materials and audiovisual resources.

229. The situation of child workers in Nicaragua depends especially on the socioeconomic aspect since adults as a social component in this sector have a direct impact on them, on the survival of this illiterate population, low levels of school attendance and lack of vocational training, while high levels of fertility adversely affect the social and cultural advancement of members of these families. For this reason, children are used as workers both in the towns and in the country. This type of work affects the development of the personality, which becomes distorted by the environment in which the children move.

230. These child workers have very specific characteristics in regard to education: late entry to schooling, irregular attendance and continuation, repetition and dropout, early maturity and development outside the school. In 1991 the Ministry of Education established the modality of schooling for older pupils as a strategy to pay special attention to children usually only entering school between the ages of nine and fifteen years. The selection of 26 multigrade pilot schools for children and adolescents working in the country requires a new curriculum. A socioeducational survey has been carried out in the rural area and reflects serious problems among the teachers as well as the children, who have little motivation.

F. Intercultural bilingual education programme

231 The Atlantic coast of Nicaragua was colonized by the English. What is certain today is that there are approximately 70,000 Misquitos, 30,000 Sumos, 25,000 Creoles, 1,500 Garifonos and 600 Ramakis. The population groups are well characterized. The Misquitos and the Sumos have kept their own languages and customs. The Creoles are descendants of the Africans brought by the English during colonization and their language is Creole English; there is a substantial mestizo (indigenous-Spanish) sector whose mother tongue is Spanish. The Ramas and the Garifonos or Caribs are assimilated to the native American language and culture.

232. Bilingual education was initiated in Nicaragua in 1984 in an experiment with 215 Misquito children. Today the coverage is 17,078 children from the Sumo and Creole groups, provided in 150 schools with 633 teachers. The schools in the programme use the mother tongue (Misquito, Sumo and Creole) as the medium of instruction and teach Spanish as a second language. The programme has curriculum documents for the basic subjects for the first to the fourth grades written in each of the languages used, prepared by technical members of the team in the various regions. Owing to the lack of adequately trained bilingual teachers for this type of programme, the teacher training schools of the Atlantic coast have become schools for the training of bilingual teachers. Consideration has also been given to the need to reform the curriculum to meet the educational needs of this sector of the country.

National education budget for 1997

233. The budget of the Ministry of Education is C$ 530,238,287, of which C$ 402,607,803 are for current expenditure and C$ 127,603,484 for capital costs. This budget is financed with C$ 433,474,287 from internal resources, C$ 58,973,000 from disbursements of loans and C$ 37,791,000 from donations.

Programme	Exependiture (C$)		Total
	Current	Capital	
Central activities	46,561,062	12,636,000	62,197,062
Common activities in basic education	2,960,751		2,960,751
Common activities in post-basic education	2,222,201		2,222,201
Common activities - departmental and municipal supervision	22,281,735		22,281,735
Pre-school education	11,264,704		11,264,704
Primary education	235,451,674	98,951,484	334,403,158
Special education	4,405,869		4,405,869
Teacher training	8,908,003		8,908,003
Secondary education	60,238,230	16,043,000	76,281,230
Adult education	5,313,574		5,313,574
Total Ministry of Education	402,607,803	127,630,484	530,238,287
Financing			
Internal resources	402,607,803	30,866,484	433,474,287
External resources		96,764,000	66,764,000
TOTAL	402,607,803	127,630,484	530,238,287

Budgets assigned to education

	1990	1991	1994	1995	1996
Ministry of education	52.7	242.3	328.1	356.9	386.5
Percentage of national budget	9.66	12.72	11.76	12.14	8.25
Pupils	932.7	972.3	1,143.8	1,146.2	1,181.2

XI. SPECIAL MEASURES OF PROTECTION

A. Child labour: recommendations of the Committee on the Rights of the Child: advances and difficulties

234. In this section we present the report of the Ministry of Labour on the application of the Convention in relation to child labour and the legislative and other measures taken by Nicaragua to comply with the Convention and the recommendations of the Committee on the Rights of the Child on the initial report which states in paragraph 40 of the final remarks (CRC/C/15/Add.36):

"It is the view of the Committee that legal reforms and a preventive campaign should be urgently introduced to address the issue of child labour. The Committee would like to suggest that the Government of Nicaragua consider requesting further technical assistance from ILO in these matters."

235. Considering the importance of the new accords and agreements of the Ministry of Labour regarding child labour and the juridical importance of the entry into force of the new Labour Code, the report of the Ministry of Labour on the economic exploitation of children, including child labour (article 32 of the Convention) is presented. In discussing child labour and the labour legislation in force, the point should be made that although the Code represents a juridical advance, the reality is that most of the children who work are in the informal sector and the norms of the Code apply to the formal sector. Another limitation is the lack of inspectors in the rural sector, which is where most of the children working in the agricultural export crops such as coffee, bananas, cotton and groundnuts are to be found.

236. Measures of a legislative nature, to recognize and guarantee the right of children to be protected against economic exploitation and removed from employment in any dangerous work that interferes with their education or is harmful to their health or their physical, mental, spiritual, moral or social development, is enshrined in the Constitution in the following articles:

Art. 4: guarantees promotion of the human development of all Nicaraguans, protecting them from all forms of exploitation, discrimination and exclusion.

Art. 27: stipulates the equality of persons before the law, with the right to equal protection.

Art. 35: on the protection of minors.

Art. 36: on respect for personal integrity.

Art. 40: no-one may be subjected to slavery, which is prohibited.

Art. 71: children enjoy special protection and the International Convention on the Rights of the Child is fully applicable:

Art. 84: labour by children is prohibited in work that may affect their normal development or their compulsory school education.

237. The Labour Code, in Title VI, deals with work by children and adolescents in a single chapter, which in article 133 prohibits insalubrious or morally dangerous work, such as work in mines, underground or at waste disposal sites, places of night entertainment, work involving the handling of toxic or psychotropic objects or substances, and night shift work in general, which cannot be invoked to deny the labour rights of child workers. The law does not specifically define "dangerous work", but it may be deduced from the article which mentions these activities that are dangerous to children.

238. The Inspection Regulations (Decree No. 13-97) in article 2, section IX, require inspectors, as part of their surveillance functions, to intervene to prevent night work, industrial, insalubrious or dangerous work, or work in public performances, theatres, circuses, cafés or any other place of entertainment that may be dangerous for the child's health or physical, intellectual or moral development.

239. When employers infringe the provisions of the law, they are required to rectify the irregularities within a time limit imposed by the labour inspector, and if they fail to comply they may be sanctioned with a fine ranging from C$ 2,000 to C$ 10,000, according to article 22. If they persist in disobedience they will be reported to the labour judge, who will proceed in accordance with the law, article 24.

240. Nicaraguan legislation is applicable both to the structured and the unstructured sector, except that labour inspectors only go to the structured sector at present; for this reason - and others - we intend to organize, through the National Commission for the Progressive Eradication of Child Labour and the Protection of Child Workers (Decree No. 22-97), a national plan of action to implement in conjunction with all Government institutions, social interlocutors, NGOs and civil society in general, measures to pay direct attention to child workers, especially those employed in conditions of risk.

241. The preventive type of programmes to be developed are intended to prevent children who are not yet working from falling into types and modalities of work harmful to their normal development. The programmes are intended to get children out of occupations or jobs which expose them to dangerous conditions by offering them, at a first stage, the services they may need and at the same time offering them viable alternatives so that they do not return to their previous situation. For example, jobs in protected production centres, opportunities for apprenticeship or vocational training, or extra education with a view to getting them back into the regular school system. Programmes which, without getting the children out of their jobs, protect them in their work by means of adequate measures which ensure conditions of work appropriate to their age and if necessary transform the content of their work in such a way that they are able to acquire useful qualifications.

242. Nicaragua has ratified ILO Convention No. 138 Concerning Minimum Age for Admission to Employment, by Decree No. 729 of 19 May 1981, which establishes a commitment to pursue a national policy that will ensure effective abolition of child labour and gradually raise the minimum age for admission to employment. This should not be less than 14 years and the minimum age for work hazardous to health, security or morality should not be less than 18 years.
Recommendation No. 146 also establishes that the minimum age should be fixed at the same level for all sectors of economic activity, with the objective of raising it to 16 years, and that it should be 18 years for dangerous work. In regard to conditions of work, there should be fair remuneration, limitation of hours of work to 6 hours per day and 30 hours per week, and prohibition of overtime, and the importance of labour inspection is noted. The ultimate purpose of the Convention and Recommendation are to abolish child labour and stipulate the minimum age for admission to employment, which should be not less than the age for compulsory education.

243. Nicaraguan legislation provides in this respect for a minimum age of admission to employment of fourteen years when the parents are present, and it is only at sixteen adolescents have the legal capacity to enter into labour contracts. They are subject to a working day not exceeding 6 hours per day and 30 hours per week. Their working conditions are set out in article 134 of the Labour Code and consist in the following:

(a) To carry out work that helps to meet their basic needs, in conditions of respect for and enjoyment of their fundamental rights;

(b) Equal pay for equal work, as performed by other workers;

(c) Remuneration in currency of legal tender, payment in kind being prohibited;

(d) Conditions of work that guarantee physical safety, health, hygiene and protection against occupational risks;

(e) The benefits of social security and special health programmes;

(f) Access to school and attendance at classes and times compatible with their interests and working conditions;

(g) Participation in trade unions and the right to organize;

(h) Access to training through a system of apprenticeship and other rights established in various places in the Labour Code.

Programme of Action for the Elimination of the Exploitation of Child Labour

244. In Resolution 1993/79, adopted at its 49th session on 10 March 1993, the Commission on Human Rights adopted the Programme of Action for the Elimination of the Exploitation of Child Labour and recommended that all States should adopt, as a matter of priority, the necessary legislative and administrative measures to implement the Programme of Action at the national and international levels.

245. The development of national and international standards providing groundwork for legal protection in the effort to combat the exploitation of child labour has not been sufficient in the face of this common and widespread phenomenon in Nicaragua. The Government has not waited to solve the problem of development to tackle the phenomenon of the exploitation of child labour, and as well as the long term actions that need to be undertaken to deal with the underlying causes that give rise to the exploitation of child labour, it has adopted urgent measures and is taking steps in the medium and short term to respond to the immediate needs of the children exposed to the worst dangers.

246. Special priority must be given to the elimination of the most degrading forms of child exploitation, such as child prostitution, the use of children in dangerous activities, forcing children to beg, subjecting children to slavery for debt, using children for illicit, clandestine or criminal ends (participation in drug trafficking, etc.). An effort must also be made to put an end to work by children under ten years.

247. The Programme also pays special attention to the most vulnerable categories of children: children of immigrants, street children, children of minority groups, indigenous children, and refugee children.

248. To eliminate the phenomena connected with the exploitation of child labour, social measures and development assistance or prevention requiring far-reaching structural reforms in the economic, social and cultural spheres are needed. Importance should be attached to social reinsertion, teaching, vocational training and social action.

Labour law and its application

249. Nicaragua has acceded to international standards: the Minimum Age Convention (Convention No. 138) and the compulsory declarations - specified minimum age: 14 years - were ratified and registered with the ILO on 2 November 1981. In this Convention, States undertake "to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons" (art. 1). National legislation expressly prohibits dangerous jobs and provides for penalties against employers who break these laws, as well as stipulating the creation of an efficient system of labour inspection. There are fines ranging from C$ 500 to C$ 5,000.

Duties of States

250. Nicaragua has adopted the Convention on the Rights of the Child and ILO Convention No. 138 and until child labour is eliminated, attention must be paid to the protection of child workers and recommendations formulated for their supervision and the monitoring of their working conditions. States should be encouraged to strengthen cooperation between police and all public and private organizations which deal with cases of exploitation of child labour and take the measures necessary to eliminate it. Training programmes of professional workers dealing with child labour should be put into practice, in particular labour inspectors, with a view, in particular, to making them more sensitive to the needs of children. There should be a sufficient number of labour inspectors and they should be trained systematically to deal with cases of exploitation of child labour.

Memorandum of understanding between the Government of Nicaragua and the International Labour Organization

251. In view of the efforts made at the various meetings of the ILO and Ministers of Labour to promote the International Programme on the Elimination of Child Labour (IPEC), Nicaragua, on 13 June 1996, represented by the Minister of Labour, signed a memorandum of understanding in which the Government, through the Ministry of Labour, undertakes to carry out an analysis of the child labour situation, elaborate and establish a national plan to control it, develop policies designed to prevent child labour, and pay special attention to child workers.

252. The Ministry of Labour has coordinated the establishment of the IPEC Programme in Nicaragua and set up the National Commission for the Progressive

Eradication of Child Labour and the Protection of Child Workers, by Decree No. 22-97:

(a) Organization of the first workshop to raise awareness among trade unionists of the IPEC Programme;

(b) Preparation and presentation of the project for the strengthening of child labour inspection, at the ILO (negotiation and revision);

(c) Presentation of a project for a situation analysis of child labour to be carried out by the CETRA (Ministry of Labour) (finalization);

(d) Presentation of the projected module on child labour for household surveys (approved).

The programme at present has a contribution of US$ 200,000 for implementation from 1996 to 2001.

253. In summary, it is considered that there have been important advances on the legislative front. The adoption and promulgation of the new Labour Code marks a significant step in the field of the rights of the child, giving effect to the final observations of the Committee on the Rights of the Child by creating a set of specific provisions on the age for work and other rights of children and adolescents. The minimum age for work is defined as 14 years. Now that the Labour Code has been approved, it is considered very important to implement the system of child labour inspection at the national level, and for this financing is required.

254. Progress has also been made with the system of data on child workers and it has been possible to include items in the household survey being carried out by the Ministry of Labour that will help to constitute a baseline for monitoring and follow-up of the situation of children and adolescents who are working and compliance with the rights set out in the Convention on the Rights of the Child.

255. In spite of these achievements, it is recognized that there is a growing tendency in the country for children to work as a result of the structural economic and social situation, and that special measures of protection are required for thousands of children and adolescents who are daily exposed to situations where there is a risk of economic exploitation and other types of risks affecting their fundamental rights.

256. The Coordinating Body for Non-governmental Organizations Assisting Children has made statements at the national level in which it recognizes the seriousness of the situation and indicates to the Government that any measure taken should consider children and adolescents as real subjects of rights, including the right to have a family and an income, as well as their basic rights. The Coordinating Body has also expressed its interest in working jointly and participating in a national plan of action that will help to improve the living conditions as well as the social and psychoaffective conditions of this sector of Nicaraguan children.

B. Information on children and adolescents alleged to have broken the law

257. Recent data from the national police on the delinquency situation in Nicaragua reflect an increase in recent years. The annual growth of crime from 1990 to September 1997 is as follows: 7.0 per cent; 10.3 per cent; 16.3 per cent; 18.0 per cent; 11.3 per cent; 3.3 per cent; 12.8 per cent; 15.3 per cent. The number of offences committed from January to September 1996 was 40,823 and from January to September 1997 47,081, an increase in 1997 of 6,188 offences at the national level. The number of victims registered by the General Directorate of the Police was 2,481 males and 3,918 females. It is indicated that 90 per cent of persons remanded temporarily in 1997 were males.

258. With regard to children and adolescents alleged to have broken the criminal law, there is still legal ambiguity arising out of the fact that two opposing and contradictory laws remain in force. The Protection of Minors Act, on the one hand, governs acts committed by young people under 15 years, but it is not in practice applied by the administrative authority. On the other hand, there is the Convention which is valid on account of its ratification and its incorporation into article 71 of the Constitution. For adolescents over 15 and under 18 years, the Penal Code in force since 1974 applies, that is to say, they are judged according to the same rules as adults.

259. In the initial report of 1994 (CRC/C/3/Add.25) submitted to the Committee on the Rights of the Child, the situation of juvenile justice and the features of the Protection of Minors Act are amply explained; on the basis of this the Committee expressed its concerns and recommended in its final observations:

> "... that an administration of juvenile justice system be established in line with the relevant provisions of the Convention, in particular its articles 37, 39 and 40, and in light of other related international instruments. In this connection, the Committee wishes to emphasize the importance and relevance of the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) which envisage and call for the strengthening and supporting of the vital role of the family and community in order to help eliminate the social conditions leading to such problems as delinquency, crime and drug addiction and to assist the families and communities facing such problems" (CRC/C/15/Add.36, para. 39).

260. Recently the National Commission for the Promotion and Defence of the Rights of the Child and certain non-governmental organizations such as the Nicaraguan Commission on Human Rights have carried out studies on this situation which complement those done in 1993 by CPNDH: "Research-action on the rights of children" (1991), "Rights of minors who have broken the law" (1993) and "Police and judicial treatment of victims of sexual and intrafamiliar violence" (1995). These studies refer in their conclusions to the dispersal of the norms applicable to the rights of children in the Civil, Penal and Labour Codes and the contradictory provisions in the Protection of Minors Act, and the impediment constituted by this Act to the application of the Convention.

261. Government institutions, the police and the Nicaraguan Social Security and Welfare Institute (INSSBI) have given limited responses to this problem of children alleged to have broken the law. In the "National Plan of Action on

Human Development, Children and Youth, 1992-2001: Strategy to Overcome Poverty" it is pointed out that 34 per cent of the country's population is under the age of ten, and that three quarters of these children live in households that are poor.

262. Although the Protection of Minors Act states that "minors are not imputable", it is based on a "protective" conception in which minors are deprived of basic guarantees of process, concluding that these secondary laws promulgated in 1973 and 1994 have not been the object of reforms to bring them into line with international instruments and adolescents aged between 15 and 18 years who are not covered by the Protection of Minors Act remain defenceless; preventive detention continues to be the first measure taken for any charge, and they are kept in prison with adults without any guarantee of process or any alternative form of treatment. Until there is a juvenile justice system this situation will prevail.

263. Two State bodies are associated with the follow-up to this situation: the National Commission for the Promotion and Defence of the Rights of the Child and the Nicaraguan Fund for Childhood and the Family (FONIF). FONIF has taken on the functions, competences and programmes formerly assumed by the INSSBI.

264. The most important proposal to deal with this problem is the draft Code on Children and Adolescents, for it is with the creation of a system of juvenile justice that it is proposed to resolve the existing ambiguity and gaps in our legislation. When the Code is adopted, the challenges will be of a judicial order and will lie in the training of the judges, police and officials involved in its implementation.

C. Child prostitution

265. There are no programmes that deal with the problem of child prostitution. The only known sources of information are the police, the commissariats for women and children and FONIF, which knows of this problem from social promotion or preventive work, and from case work.

266. In some specific studies reference is made to the fact that appears to be general, which is that the age range is most commonly from 12 to 18 years. The causes leading to the sexual exploitation of children and adolescents are economic factors, rape at an early age, family problems and violence in the family. The most well known studies of the problem, or which refer to it, are:

(a) The situation of children in Nicaragua, 1995, by Redd Barna (Norway);

(b) Study of child prostitution in Central America;

(c) Study by the NGO Mary Barreda on prostitution in León;

(d) The situation of minors in Nicaragua (15-18 years);

(e) Assessments and systematic evaluations of the programmes of the Nicaraguan Institute of Human Development (INPRHU) that attach particular importance to this problem.

Most of these studies are carried out by non-governmental organizations in the framework of the problem of violence, sometimes associated with programmes covering girls working or exposed to danger by working in the streets, or children on inhalants who are being helped by these institutions.

267. A recent journalistic investigation carried out by a team of students from the University of Central America in the department of Chinandega reveals the existence of clandestine networks trafficking in girls with ages ranging from 13 to 17 years for the price of a hundred dollars between Nicaragua and Honduras (Garay, Gómez and Gutiérrez). This sex trade is difficult to investigate on account of its characteristics and in some cases escapes control by the police. Nevertheless the population has been successfully encouraged to denounce cases through institutions such as PONIF or non-governmental organizations and the media.

268. There is no department of prosecution or institution to which recourse can officially be made, but the population turns to the commissariats for women and children and sometimes to the police to denounce places discovered in a neighbourhood or sector where there is evidence of trafficking in girls or drug selling. The main cause of this situation lies in the economic situation, which forces people in conditions of desperation into the networks of the sex trade.

269. The absence of mechanisms, procedures, policies and laws for the protection of children and adolescents is another factor influencing the problem. There is no Ministry of Health programme to deal with the health situation of girls who are victims of sexual exploitation. The defence of the rights violated in child prostitution and trafficking in adolescents goes beyond the police and PONIF since the problem is rooted in economic, social and cultural problems that require direct and systematic work in the family and the community. The response also requires the existence of networks, legal defence institutions and laws that will help to change this situation.

270. Another line of approach requiring work is the communication media and the way they treat news of children and adolescents who are victims of sexual traffic, as the treatment given very often violates privacy and affects the victims socially and psychologically.

D. Sexual violence and ill-treatment

271. The most outstanding legal provision on this aspect is Law No. 150 on sexual offences, which imposes severe penalties on those who commit the offences of rape, sexual assault and dishonest abuse. It introduces a new figure (offence) of illegitimate seduction and sexual harassment. It also requires the prosecution to continue with the case notwithstanding pardon by the victim; in other words, it makes rape a public offence.

272. According to the analysis entitled "The rights of women in Nicaragua" carried out by the Association of Professional Women for Democracy in Development (1996), an important aspect of the new law against intrafamiliar violence is that it broadens the traditional concept of damages to include damages of a psychological type and not just physical injuries. A wide-ranging campaign was carried out to promote this law, with consultations and pressures

to secure its adoption. The aim of the law is to guarantee the physical protection of the women and children who have been sexually abused, as well as to regulate sanctions of the offenders.

273. The Coordinating Body for Non-governmental Organizations Assisting Children organized the first national conference on "Children, Adolescents and Violence" in coordination with the Network of Women Against Violence and the members of the Save the Children Alliance on 14, 15 and 16 September 1996. The main topics discussed at this conference were: children, adolescents and violence; sexual abuse and incest; education and violence; victims and perpetrators. Figures supplied by the national police indicate that 2,281 children and adolescents were the victims of violence in 1995, of whom 70 per cent were girls and 30 per cent were boys.

274. The National Commission for the Promotion and Defence of the Rights of the Child formed a national commission (Government-civil society) for the care of victims of sexual abuse; a comprehensive proposal has been worked out, but no advance has been possible for two reasons: the change of government which has brought a process of transition in the first six months of the year, and the need for each of the institutions involved to examine the proposal and give its views.

275. The only existing legal provision on ill-treatment is Law No. 230 of 1996 which reformed the question of damages in the Penal Code and punishes the person committing violence within the family. Both the Nicaraguan Fund for Childhood and the Family (FONIF) and the commissariats for women and children report ill-treatment, together with abandonment, as the main psychosocial problems to be coped with both in substitute homes and in placement centres. In studies carried out in the child worker programmes, ill-treatment is a cause associated with the situation of children living in the streets who have been forced to leave home because of ill-treatment by their stepfathers, elder siblings or mothers.

276. Although there is a lack of data and records in hospitals and with the police and courts of the country, an effort has been made on this issue in civil society supported by the Ministry of Health, the national police, the Nicaraguan Fund for Childhood and the Family, by the National Commission for the Promotion and Defence of the Rights of the Child. This problem is mentioned as being on the increase in both urban and rural sectors and an important cause of children living in the streets and abandoning their homes.

XII. CONCLUSIONS

277. The situation of the rights of children and adolescents in Nicaragua represents the reality for 53 per cent of the country's population, hence the implementation of the Policy for the Integrated Care of Children and Adolescents should occupy a priority place in the social agenda of the State. The most important advances made by Nicaragua as a State party have been in the sphere of policy development and the proposals for the draft Code on Children and Adolescents and the Family Code.

278. The main causes affecting the situation of children are the same as those described in the initial report (CRC/C/3/Add.25), since these are the result of structural problems which it has not been possible to overcome. There are policies on population, nutrition, special policies for the poorest sectors, and other policies that need to be linked and coordinated between the different instances responsible for their implementation so that these policies have a real impact on children.

279. The situation of children in Nicaragua requires existing programmes of special protection to be strengthened and their coverage extended so as to make an impact on this sector of the population and its basic rights.

280. The adoption of the Code on Children is one of the priority tasks to guarantee compliance with the Convention and contribute to a State of law. Adoption of the Code requires budgetary resources and changes in the judicial power that will become a priority for the next few years.

281. The following specific advances are considered to be the most important progress made by the State party in the period covered by this report:

(a) The full applicability of the Convention through article 71 of the Constitution since the Constitution was amended in 1995;

(b) The process of the elaboration and adoption of the draft Code on Children and Adolescents;

(c) The development of the integrated policy on children;

(d) The preliminary draft of the Family Code;

(e) The creation of the Nicaraguan Fund for Childhood and the Family;

(f) The elaboration of the Labour Code with provisions that accord with the spirit of the Convention.

282. The need to build up a social policy with the participation of civil society that will give priority to the problems of children in the poorest sectors of the country is the other point we wish to share in this report, in view of the conditions of malnutrition and lack of basic services in which most children and adolescents are living in general, and especially in the rural sector.

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